

**THE ROLE OF THE COUNCILLOR AND THE OFFICIAL
IN THE DECISION-MAKING PROCESS OF THE
MUNICIPALITY**

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DECLARATION

I, the undersigned, hereby declare that the work contained in this assignment is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

1 September 2000

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SUMMARY

Local government is a sphere of government which consists of municipalities and its executive and legislative authority is vested in the respective municipal councils. The council is responsible for exercising its powers and functions on behalf of the community it represents and it makes decisions in that regard.

A municipality as an organisation which is comprised of two main components: on the one hand, the council as a body of elected representatives and, on the other, officials who have been employed by the council. Whilst it is generally accepted that it is the function of the council to determine policy and of the officials to execute the determined policy, it is accepted that in practice there is a degree of interfacing between these two functions. It is further accepted that, although there is a clear distinction between the roles of councillor and official, it is possible that there may be a degree of misconception about their respective roles.

The purpose of this study was to determine whether councillors and officials have misconceptions about their roles in the decision-making processes of the municipality and whether such misconceptions have a negative impact on service delivery.

The research was initiated by a study of decision making in general, followed by a study of decision making in local government in order to establish a basis for the field of study. Oostenberg Municipality was then analysed, with specific reference to its decision-making systems as well as its macro-organisational structure. A questionnaire was sent to the top structure of the council as well as the top

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management structure of the municipality; the views of these respondents were used to determine whether there were any misconceptions about their roles.

The study found that the councillor study group presented a 30.56% degree of misconception about their role as councillors in the decision-making process of the municipality, and in the case of the top management structure there was a 29.86% degree of misconception. The study further established that this degree of misconception impacted negatively on service delivery.

In view of the above, it is recommended that councillors be subjected to appropriate training, that the political party caucuses be accommodated in the formal decision-making process of the municipality, and that members of the top management structure be subjected to dedicated training on their role in the decision-making processes of the municipality. It is also recommended that the top management structure of the municipality should be in possession of appropriate academic qualifications.

OPSOMMING

Plaaslike Regering is 'n sfeer van regering wat uit munisipaliteite bestaan en ten opsigte waarvan sy uitvoerende en wetgewende gesag in sy munisipale raad gesetel is. Die raad is namens die gemeenskap wat hy verteenwoordig vir die uitoefening van sy magte en funksies verantwoordelik en neem hy besluite in daardie verband.

'n Munisipaliteit as 'n organisasie bestaan uit twee komponente, te wete die raad as 'n liggaam van verkose verteenwoordigers aan die een kant, en aan die ander kant, amptenare wat deur die raad in diens geneem is. Terwyl dit algemeen aanvaar word dat dit die raad se funksie is om beleid te bepaal en dit die amptenare se funksie is om die uitvoering aan die gestelde beleid te gee, word daar ook aanvaar dat daar in die praktyk, 'n mate van interfase tussen hierdie twee funksies bestaan. Dit word voorts aanvaar dat terwyl daar 'n duidelike onderskeid tussen die onderskeie rolle van raadslid en amptenaar is, dit moontlik is dat daar 'n mate van wanbegrip van hul onderskeie rolle bestaan.

Die doel van hierdie studie was om te bepaal of raadslede en amptenare wanbegrip van hul onderskeie rolle in die besluitnemingsproses van die munisipaliteit ervaar en of sodanige wanbegrip 'n negatiewe impak op dienslewering het.

Om as basis vir die studieveld te dien is algemene besluitneming eerstens bestudeer, gevolg deur 'n studie van besluitneming in plaaslike regering. 'n Ontleding van Oostenberg munisipaliteit met spesifieke verwysing na sy besluitnemingsprosesse en makro-organisatoriese struktuur is daarna uitgevoer. 'n Vraelys met as respondente die topstruktuur van die raad sowel as die top bestuurstruktuur van die munisipaliteit was aangewend om te bepaal of daar 'n mate van wanbegrip van onderskeie rolle bestaan.

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Die studie het bevind dat die raadslid studiegroep 'n graad van wanbegrip van 30.56% ten opsigte van sy rol as raadslid in die besluitnemingsproses van die munisipaliteit toon, en in die geval van die top bestuurstruktuur, is 'n graad van wanbegrip van 29.86% aangetoon. Die studie het verder bevind dat die bepaalde graad van wanbegrip, negatief op dienslewering impakteer.

Met inagneming van die voorafgaande is daar aanbeveel dat raadslede aan toepaslike opleiding blootgestel word, die akkommodering van die politieke party koudes in die formele besluitnemingsprosesse van die munisipaliteit, sowel as die toepaslike opleiding van die lede van die top bestuurstruktuur van die munisipaliteit ten opsigte van hul rol in die besluitnemingsprosesse van die munisipaliteit. Daar is ook aanbeveel dat die lede van die top bestuurstruktuur van die munisipaliteit oor toepaslike akademiese kwalifikasies behoort te beskik.

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CHAPTER 1

INTRODUCTION

1.1 INTRODUCTION

Section 3 of the **Cape Municipal Ordinance** 1974, Ord. Nr.20 of 1974, provides that the inhabitants of every municipal area shall under the name assigned to it be a body corporate with perpetual succession.

Section 4 of the **Cape Municipal Ordinance** 1974 provides that a municipality shall be governed and represented by a council and that all acts of such council shall be deemed to be the acts of the municipality.

The council acts through the chief executive officer, heads of departments and staff of the local authority in the execution of its local authority functions. Whilst it is accepted in general terms that it is the function of the council to determine policy and that of the chief executive officer and his staff to execute the policy as determined by the council, it is also accepted that there is some degree of interfacing in practice between the political and administrative functions referred to above.

1.2 PROBLEM STATEMENT

The council, as the elected representative of the community it serves, has the responsibility not only to govern the municipality on behalf of its inhabitants, but is also responsible for the provision of necessary services. These services may include the provision of water, electricity, refuse removal, sewage removal and treatment, traffic control, fire prevention, library facilities, environmental and personal health services, parks and recreation, town planning and building control

as well as the provision of roads and other services that may have been deemed necessary by the community concerned.

The administrative functions are executed by the officials who are, in addition to this function, also responsible for advising the council in respect of its functions as outlined above.

In view of the above it is therefore possible to accept in broad terms that, although there is a clear distinction between the role of the councillor in respect of his/her political function and the role of the official in respect of his/her administrative function, it is possible for a degree of misconception to exist and, in view of the distinct constitutional difference between the council and its officials, such misconception could impact negatively on the efficient service delivery of the municipality.

Schumann (1985:59) refers to what the Marais Commission of Enquiry into the system of Local Government in the Transvaal had to say on this aspect:

“At that point of contact in local government – the point where the elected lay representative has to govern in concert with the appointed professional administrator – the success or failure of the entire machine is almost conclusively determined. If the balance of power and function between the two groups at that point is unsound – because the official has too much to say in the formation policy, or the elected representative interferes beyond his capabilities in the execution of policy – the result must be imperfect.”

This study therefore analysed the dynamics of the decision-making process in respect of this area of interface, with specific reference to the Oostenberg municipality, with the object of identifying the respective roles of the councillor and that of the official, as well as ascertaining the negative impact such a misconception may have on service delivery.

1.3 HYPOTHESIS

The hypothesis of this study is as follows:

“Councillors and officials have misconceptions about their roles in the decision-making processes of the municipality and this impacts negatively on service delivery.”

1.4 RESEARCH METHODOLOGY

A multitude of research techniques has been applied to assess the degree of misconception, including a review/scrutiny of relevant literature and legislation, a review of council minutes and records, personal observation and interviews with both councillors and officials, as well as the utilisation of a questionnaire.

The research was initiated by a study of decision making in general, followed by a study of decision making in local government in order to establish a basis for the field of study. Oostenberg Municipality was then analysed with specific reference to its decision-making systems as well as its macro-organisational structure.

A questionnaire consisting of selected hypothetical cases which represent various categories of decisions-making situations generally found in local government was compiled. The respondents were the top structure of the council, on the one hand, and the top management structure of the municipality, on the other. Given the focus of the study, the following two groups representing the councillors, on the one hand, and the officials, on the other hand, were selected as respondents:

TWELVE COUNCILLORS:

100% of the top structure of the council consisting of:

- The mayor and the deputy mayor;
- The chairperson and deputy chairperson of the executive committee;
- The chairpersons of the eight standing committees.

TWELVE OFFICIALS:

100% of the top management structure consisting of:

- The chief executive director;
- The two strategic executive directors;
- Nine of the ten directors. (The researcher occupies a position as director and was excluded from the study group.)

The top structure of the council is represented by the mayor, the deputy-mayor, the chairperson and deputy-chairperson of the executive committee as well as the chairpersons of the eight standing committees, with the chief executive director and directors forming the top management structure of the municipality. The questionnaire consists of twelve hypothetical cases, which are regarded as being common to local government. The respondents were requested to study each case and to evaluate the decision or action taken in each instance by indicating whether he/she or she agreed with it or not.

The questionnaires that were issued to the two sets of respondents are attached, marked **ANNEXURE 1** and **ANNEXURE 2** respectively.

The cases used in the questionnaire were selected to be as representative as possible of the various models of decision making as well as of the various identified categories of decisions. An analysis of each case was undertaken in order to determine both the decision or action which does not represent a misconception of role as well as the impact a misconception about the respective roles may have on service delivery.

The response to the questionnaire is then measured against the analysis referred to above. The result of the comparison is taken as indicative of the degree of misconception which exists about the respective roles of councillor and official in the decision-making processes of Oostenberg municipality.

The results of this measurement indicate the degree of misconception which exists, both in the case of the councillor and of the official, as well as the negative impact such a misconception about the role may have on service delivery. The results of the study effectively endorse the stated hypothesis.

The study is concluded with a discussion on possible reasons for the prevalent degree of misconception as well as recommendations to reduce the incidence of such misconception as far as possible.

An analysis of the decision-making process is discussed in the following chapter.

CHAPTER 2

THE DECISION-MAKING PROCESS: AN ANALYSIS

2.1 INTRODUCTION

This study is concerned with the dynamics of the decision-making process of Oostenberg Municipality and, in particular, the respective roles of the councillors and the officials in the process itself. The object of the study is to determine whether a degree of misconception of their respective roles exists and, if so, whether such misconceptions may have a negative impact on the service delivery of the municipality.

The decision-making process therefore lies at the heart of the study and will be analysed in the following paragraphs, with special attention being devoted to defining decision-making as the act of selecting, from various alternatives, one course of action for solving a problem or achieving a goal. The function of decision making and the steps which can be identified in the process itself are discussed and this section is concluded with a brief reference to the various decision-making models which have been distinguished by authorities on the subject. Reference is also made to the common factors which have been identified as the reasons for the decision-making process being described as a twisted, halting flow of actions and interactions.

2.2 DEFINING DECISION MAKING

Hanekom and Thornhill (1983: 76) classify the activities or functions executed by public officials working in public institutions and aimed at producing goods and rendering services for the benefit of the community into three groups:

- The generic administrative activities or functions of policy-making, financing, organising, personnel provision and utilisation, the determination of work procedure and the devising of methods of control;
- The functional activities peculiar to specific services such as education, nursing, police work or defence;
- The auxiliary functions such as decision making, data processing, programming, planning and communication which are necessary to simplify or expedite the execution of the generic administrative functions and the functional activities.

Hanekom and Thornhill (1983: 76) make it clear that, whilst decision-making is placed in the third group of functions, this does not mean that it is subordinate to the other two groups and that it should be seen rather as an aid to and inseparable from the comprehensive administrative process. Hanekom and Thornhill (1983: 76) regard it as an aid for the simplification or expediting of the administrative process, whilst postulating that decision-making is the purposive human behaviour of choosing among alternative strategies for solving a problem or achieving a goal. This definition is also accepted by Starling (1986: 201) as well as Hanekom (1987: 13).

It is emphasised by Hanekom (1987: 13) that decision-making and policy-making are not synonymous in that “*a decision is but a moment in an on-going process in which alternatives pertaining to a problem or goal are evaluated and in which the decision-maker is forced to make a deliberate choice involving factual and value propositions with the aim of arriving at a desired solution*” [adding, furthermore, that] “*in the process of deciding on public policy there are many moments during which a deliberate choice has to be made between alternatives, with a view to arriving at a final statement of the intentions of the legislator, of the actions to be taken and of the objectives to be achieved. Consequently, at a given moment decision-making gives finality to the choice between alternative policy proposals*”.

The fact that decision-making and policy-making are not synonymous is particularly relevant in this study and will accordingly be further discussed in ensuing paragraphs.

2.3 FUNCTIONS OF AND STEPS IN DECISION MAKING

It has been pointed out above that decision-making is the act of selecting, from various alternatives, one course of action for solving a problem or achieving a goal.

The function of decision-making has been defined by Hanekom and Thornhill (1983: 77) as follows:

- To solve problems;
- To simplify the achievement of goals;
- To reach a desired future state of affairs;
- To improve the welfare of a person or a community;
- To improve efficiency;
- To expedite work;
- To consider the consequences of an undertaking before undertaking it.

Starling (1986: 201) has identified the following steps in the decision-making process:

- **To identify the problem:** Starling (1986: 202) emphasises the point that decision-makers should firstly establish whether the problem is generic or unique. Very few problems are in fact unique, and in order to effectively solve the problem, it is necessary to remove the underlying or basic problem. Failure to remove the root cause may eliminate that particular symptom but will not prevent a recurrence.

- **To gather the facts:** Starling (1986: 203) refers to the lectures in the White House by Sorenson on the ever-present limitations that determine how far the administrator can go in framing the response to the defined problem. Starling refers in particular to the submission that administrators must, in decision-making situations, try to visualise the world as a whole and as a total system in which their own personal experiences are a small and inadequate sample, and to rather make use of statistical analysis.
- **To make the decision:** Hanekom and Thornhill (1983: 77) have defined three types of decisions, i.e. routine decisions, adaptive decisions and innovative decisions. The decision-making models have been arranged into two groups, i.e. the rational and the non-rational or heuristic models. These types of decisions and decision-making models will be dealt with more fully in subsequent paragraphs.

2.4 DECISION-MAKING MODELS

Hanekom and Thornhill (1983: 77) distinguish three types of decisions:

- **Routine decisions**, representing established patterns of behaviour, sanctioned by habit and usage and employing values, rituals and cultural customs of a society;
- **Adaptive decisions**, employed to remove irritations or to provide acceptable alternatives to what is striven for, which leads to a revision of what is expected or what is striven for;
- **Innovative decisions**, which usually lead to new or substitute expectations and arise from the acceptance that an internal or external pressure should be accommodated, or from a desire to prevent pressures from destroying the *status quo*.

Hanekom and Thornhill (1983: 78-81) identify two decision-making models, namely, the rational and the non-rational or heuristic models of decision-making.

The rational comprehensive decision-making model is seen by Hanekom and Thornhill (1983: 78-81) as a cold and calculated decision-making process which excludes intuition, emotion and sentiment and in which only the “hard” facts are taken into account. The non-rational or heuristic model, on the other hand, is viewed as an orderly decision-making process of reasoning by which past experience is evaluated and a solution sought by trial and error.

Hanekom and Thornhill (1983: 79-80) point out that the rational approach is impossible and they indicate high costs, lack of time, unavailability of data and intellectual incapacity or uncertainty as some of the important stumbling blocks in this regard. An inherent inadequacy of the heuristic decision-making model is indicated as being its reliance on past experience in view of the fact that past experience is not necessarily a proper measure for solving future problems and that precedents should be considered with caution.

Hanekom and Thornhill (1983: 79) and Fox *et al.* (1991: 40-41) agree that there are two further models of decision-making which are applied due to the inherent inadequacies of the rational decision-making model, i.e.

The incremental decision-making model: In terms of this model the new or proposed situation differs only marginally from the existing situation and requires a decision affecting only a marginal difference. Hanekom and Thornhill, (1983: 79) state that incremental decision-making implies a succession of limited comparisons among a limited number of alternatives. To a large extent it obviates original thinking, speeds up decision-making, and is relatively inexpensive in comparison with rational decision-making. Fox *et al.* (1991: 40) are of the opinion that the decision-maker focuses only on those alternatives which differ marginally from existing policies or on those that are familiar to him/her or fall within his/her knowledge or experience, rather than attempting a comprehensive survey and evaluating all alternatives. The decision-maker considers only a

relatively small number of policy alternatives and for each of these alternatives only a restricted number of policy consequences are forecasted and evaluated.

Hanekom and Thornhill (1983: 79) draw attention to the fact that the acceptance of the adequacy of existing policies in the application of this model is the most prominent shortcoming thereof in that it prevents every situation from being viewed as a new challenge, and also prevents the taking of opportunities for creative thinking with the aim of imaginative decisions and policies.

- **The “satisficing” model.** This model refers to a decision that is a combination of “satisfactory” and “suffice”, which produces a “satisficing” choice. (Fox *et al.* 1991: 41). Fox *et al.* (1991: 41) refer to McCurdy (1977: 238-239) who wrote that Simon proposed that “satisficing” behaviour might be reduced with the growth of information technology and computers, and could minimise costs and time-consuming information searches.

Hanekom and Thornhill (1983: 81) point out that in real life neither the rational decision-making model, inclusive of the comprehensive, “satisficing” and incremental models, nor the non-rational or heuristic model predominates. Both are used complementarily or intermittently.

Fox *et al.* (1991: 141) as well as Hanekom and Thornhill (1983: 80) refer to a mixed scanning model of decision making which enables the decision maker to eliminate to a large extent the deficiencies of the rational decision-making model and the non-rational or heuristic model. Fox *et al.* (1991: 141) view the mixed-scanning model as a combination of the rational and the “satisficing” models with resultant flexibility during decision making. Hanekom and Thornhill (1983: 80), on the other hand, classify the mixed-scanning model as a decision-making model in which decisions are classified into two categories: comprehensive decisions and incremental decisions. These, when used in conjunction with each other,

largely eliminate the defects of the rational decision-making model and the non-rational or heuristic model.

2.5 FACTORS INFLUENCING DECISION MAKING

Hanekom and Thornhill (1983: 81) describe the decision-making process as being a twisted, halting flow of actions and interactions and have identified the following common factors as the reasons for this:

- No two human beings will make exactly similar decisions in view of the fact that decision making is a human thought process and no two human beings are psychologically identical or hold identical value preferences.
- A programme in which a substantial amount of money has been invested will normally be continued even if the original decision appears to be wrong.
- Pressure from the external environment may force administrators to make a specific decision.
- Past conditioning including the training and work history of officials can influence the way the official makes the decision.
- Cognitive near-sightedness.
- The assumption that the future will be a repetition of the past.
- The tendency to deal with the symptoms rather than the cause of the problem.
- Over-reliance on one's own experience.
- Preconceived notions.

2.6 CONCLUSION

Decision-making has been defined as the purposive human behaviour of choosing among alternative strategies for solving a problem or achieving a goal. Three types of decisions have been identified, i.e. routine, adaptive and innovative decisions, with four models of decision-making, i.e. the rational comprehensive model, the non-rational or heuristic model, the incremental model as well as the “satisficing” model. These models all have particular deficiencies.

It has been pointed out that in real life neither the rational decision-making model, inclusive of the comprehensive, “satisficing” and incremental models, nor the non-rational or heuristic models predominate but they are used complementarily or intermittently. In order to eliminate the defects of these models, a mixed scanning model of decision-making has been identified, which is viewed as a combination of the rational and “satisficing” models with resultant flexibility during decision-making.

The decision-making process has been described as a twisted, halting flow of actions and interactions, which are influenced by various factors, such as the human thought process, pressure from the external environment, past conditioning, cognitive near-sightedness and preconceived notions.

Decision-making in local government is unique in that local government operates in a unique environment. This will further be discussed in the following chapter.

CHAPTER 3

DECISION-MAKING IN LOCAL GOVERNMENT: A PERSPECTIVE

3.1 INTRODUCTION

Local government operates in a unique environment in that it is a sphere of government which consists of municipalities and in respect of which its executive and legislative authority is vested in its respective municipal council. The municipal council is accordingly responsible for exercising its powers and functions on behalf of the community it represents and makes decisions in that regard.

The decisions that are taken by a municipality can be grouped into categories. These vary from the adoption of formal policy on behalf of the community in the form of legislation as well as the allocation of resources and the determination of priorities in the form of the annual budget, to the most simple of matters relating to the day to day performance of its local authority functions. The decisions remain subject to legislative and/or internal procedures.

The decision-making system or a combination of decision-making systems that is adopted by a municipality will depend on its particular circumstances and requirements. In the ensuing paragraphs particular attention will be given to the systems which have been adopted by municipalities to best accommodate its decision-making requirements.

3.2 DECISION-MAKING SYSTEMS

3.2.1 The Council

Craythorne (1997: 169) refers to the fact that whilst it may be possible for small or possibly medium-sized municipalities to decide all matters requiring decisions at the monthly council meeting, the variety and complexity of the larger municipalities make this impossible. Councillors need some formal system according to which they can be organised to exercise their powers and to perform their duties and functions.

Cloete (1997: 86) agrees with the above sentiment and makes the point that the formal procedures prescribed for council meetings inhibit councillors to the extent that matters serving before the council may not always receive the detailed consideration that they deserve. Cloete (1997: 86) further refers to the possibility that a council consisting of a large number of members and which must give consideration to an extensive agenda may similarly not give every matter the attention that it actually demands. In view of this councils have for many years introduced committees to execute certain functions on their behalf.

The different committee and other systems are accordingly discussed in the following paragraphs.

3.2.2 The Multiple Committee System

Craythorne (1997: 170) describes the multiple committee system as a system whereby the councillors break up the work they have to do into functional units, known as committees or standing committees, and the system is often simply referred to as “the committee system”. Examples of functional committees are housing, works, health, amenities, finance and

town planning. This list is not exhaustive and will vary, depending on the requirements of the municipality concerned.

Section 50 (1) of the **Municipal Ordinance**, 1974 (Ordinance 20 of 1974), which is applicable in the Western Cape, provides that a council may appoint from amongst its members occasional and standing committees of not fewer than three councillors each, either for general or special purposes, that it must fix the quorum of every committee and may, from time to time:-

- “(a) appoint a chairman and a deputy chairman for a committee;
- (b) delegate either absolutely or conditionally to a committee any of its –
 - (i) powers, duties or functions under this or any ordinance, other than those which are required to be exercised or performed by special resolution, or
 - (ii) delegated powers, duties or functions;
- (c) amend or withdraw any such delegation; provided that any amendment or withdrawal of such delegation shall not invalidate anything done in pursuance of a decision lawfully taken by such committee;
- (d) discharge any or all of the members of a committee, or
- (e) discontinue any committee.”

Section 50 (2) of the **Municipal Ordinance**, 1974 provides that the committee shall, in respect of any matter delegated to it by the council in terms of Section 50(1)(b)(i) referred to above and subject to the conditions of the delegation, have the powers and perform the duties and functions of the council.

Section 50 (3) of the **Municipal Ordinance** 1974 provides that a council may not delegate the following to a committee:-

- (a) the adoption and confirmation of the annual estimates of income and expenditure in terms of section 74;
- (b) the levying of rates on immovable property, and
- (c) the appointment, dismissal or alteration of conditions of service of the town clerk and departmental heads.

Section 160 (2) of the **Constitution** provides that the following functions may not be delegated by a municipal council:

- (a) The passing of by-laws;
- (b) The approval of budgets;
- (c) The imposition of rates and other taxes, levies and duties;
- (d) The raising of loans

Cloete (1997: 86-87), having discussed the above provisions of the **Cape Municipal Ordinance** 1974 as well as the provisions of section 87 of the **Natal Local Authorities Ordinance** 1974, came to the conclusion that statutory freedom granted to the local authorities had the effect that the municipalities generally appointed more than one committee, which resulted in what is today referred to as the multiple committee system. The following types of multiple committee systems could be distinguished, although Cloete makes the point that there is no standard practice in the application of the type of committee system by municipalities and that a municipality could introduce all three or a combination of them:

- **geographical committees**, which refers to the introduction of committees to look after the affairs of specific geographical areas or wards;
- **functional or vertical committees**, which refers to the introduction of committees to look after specific functional areas such as parks, health and electricity supply. This type of committee structure normally

corresponds with the macro-organisational structure of the municipality;

- **horizontal committees**, which refers to committees which have been introduced to deal with specific administrative functions such as finance and human resource management.

The advantages of the multiple committee system as summarised by Cloete (1997: 87-88) and Craythorne (1997: 174-175) are as follows:

- Councillors are afforded the opportunity to privately obtain the views of, as well as further information and explanations, from expert officials, a practice not permitted during the course of a normal council meeting
- Councillors are afforded the opportunity to make contributions in areas where they have a particular interest or knowledge, thereby ensuring that there will be councillors in the council who are knowledgeable in the multiple functional areas of the municipality;
- Having regard to the fact that a multiple committee system has been adopted, all councillors are afforded the opportunity to serve on a committee and to personally feel that they are making a contribution to the government and administration of the town. This situation prevents the councillors from losing interest or being frustrated;
- The multiple committee system demands interaction between the members of the committee and the heads of department as well as the departments concerned, which makes it possible for the committee members to become familiar with the activities of the departments and to exercise control over same;
- The heads of department are afforded the opportunity during committee meetings to request councillors to explain the policy of the council, which enables the heads of department to direct the activities of the departments to the achievement of the policy goals

- Councillors can more easily be trained and can even acquire expertise in a particular field because the span of attention is not so wide;
- Because decisions are taken corporately, they are more likely to be correct;
- A wide variety of persons and interests can be represented and heard;
- The current circumstances in South Africa demand that as many councillors as possible must be accommodated in local systems to ensure that no particular interest or constituency is marginalised through exclusion.

According to Craythorne (1997: 174-175), the disadvantages of the multiple committee system are, to a large extent, the counter-arguments to the stated advantages. The disadvantages are:

- It is not correct to describe discussions held in private as being in any way linked or related to ideas of democracy. The notion of democracy has little to do with formal systems, but is rightly concerned with openness, honesty and integrity, concepts which are best served by debates being open to public examination;
- A relaxed and informal atmosphere can also lead to sloppy thinking and uninspiring debate;
- Councillors do not stand for election in order to acquire expertise; they stand for election in order to represent a party or interest and to acquire the power to implement certain policies. If councillors are to become experts, then officials are not required, or clashes will develop between these two groups;
- The idea that decisions taken corporately are more likely to be correct is counter-balanced by the fact that many senior local government officers who attend committee meetings have experienced frustration at tedious debates as councillors seem not being able to come to a decision, even when the choices seem clear;

- Councillors do not need the multiple committee system in order to participate in the council's work or to consult officials;
- The system prevents co-ordination and planning;
- Councillors tend to try to interfere with administration and to avoid issues of principle and this tendency leads to resistance to the delegation of powers to officials;
- The system wastes time and leads to delays and the fragmentation of the council's service;
- It is extremely difficult for the public to hold one or a few councillors accountable for wrong or unpopular decisions because accountability is diffused.

3.2.3 The Executive Committee System

The executive committee system referred to in this assignment refers to an executive committee established in accordance with the provisions of section 16(6) of the **Local Government Transition Act, 1993**. In terms of this section a transitional council or transitional metropolitan substructure may elect an executive committee according to a system of proportional representation from among its members to exercise such powers and perform such duties as such council may determine, subject to the provision that:-

- Such council shall determine the system of proportional representation and the number of members of and the quorum for the executive committee;
- The executive committee shall endeavour to exercise its powers and perform its duties on the basis of consensus; and
- If consensus on any matter cannot be obtained, such matter be decided by at least two-thirds of its members or, if a majority of its members so decide, to submit a report and recommendation on the matter to the council for a decision.

3.2.4 The Portfolio System

Craythorne (1997: 178) refers to the portfolio system as an alternative to the multiple committee and the executive committee systems and describes it as a system that does not involve having standing committees, but the appointment of councillors to be the spokespersons for a particular function, such as health, works and amenities.

In terms of this system the designated councillor is fully briefed by the chief officials on matters relevant to the function concerned which serves on the agenda and, during the council meeting, introduces the matter to the council and, being fully briefed, is in a position to explain the same and to answer questions that may be raised in that regard.

Barle (1994:48) points out that there are certain prerequisites to ensure that the portfolio system functions effectively, namely that:

- Council must trust the town clerk and senior officials enough to be willing to delegate as many of its functions and duties as possible to the officials;
- Officials must never abuse this trust and must keep the council fully informed through the spokesperson and comprehensive reports on how they are carrying out their delegated duties and functions; and
- Councillors and officials must have a very clear cut understanding of the different roles they have to play in municipal government and administration and they must constantly guard against the temptation of unwarranted interference in each other's sphere of work.

Craythorne (1997: 178) points out that the portfolio system is in effect the committee system using the whole council as a committee and may, in

towns up to a certain size, be the most efficient compromise between the multiple committee and the executive committee system.

3.2.5 Sub-Committees

Barle (1994:41) states that sub-committees may be appointed by a standing committee from time to time to examine and to report back to the standing committee with recommendations on any subject matter. Barle states that this method is used when it is clear that time can be saved and the aspect initially is dealt with by some members of the standing committee in consultation with the relevant officials.

It is accepted in terms of the maxim *delegatus non potest delegare* that the sub-committee will not have delegated powers (Craythorne, 1997: 532).

3.2.6 Ad Hoc Committees

Ad hoc committees refer to special committees appointed by the council to deal with a specific matter that requires special detailed attention, such as the scrutinising of applications for bursaries and granting them, and will include an instruction to make recommendations to council on the matter, or a report on the actions taken on behalf of the council, as the case may be.

3.2.7 Advisory Committees

Craythorne (1997: 532) states that an advisory committee is a reversion of the committee system in its original form rather than an alternative, but the committee system has become so intertwined in the conferment of executive (delegated) powers that it is considered necessary to present this

as an alternative (to the multiple committee system or the executive committee as discussed by Craythorne (1997:169-178)).

Barle (1994: 41), however, refers to advisory committees or advisory boards which are constituted by the council and which consist of persons with specialised knowledge of particular fields of work, together with members of the council. The purpose of these advisory committees or advisory boards is to advise or make recommendations to the council on matters of a specialised nature, such as the environment, conservation and sport.

3.3 DELEGATION OF POWERS

It has been pointed out that the municipal council is responsible for the exercising of its powers and functions on behalf of the community it represents.

Gildenhuys (1997:72) refers to the fact that it is impossible for a large public organisation with a wide variety of functions such as a municipal council to execute all functions and powers entrusted to it by its constituting Act, if its organisational structure, however efficient and effective, is not supported by an effective delegation of operational and decision-making powers.

A district council, a local council and a rural council are, in terms of section 10D(1)(c) of the **Local Government Transition Act**, 1993, empowered to exercise any power or to perform any duty concerning a matter which is reasonably necessary or which is incidental to the effective exercise of its powers and performance of its duties. According to Craythorne (1997:532), this provision in the Act includes the power to delegate.

Meyer (1978:105) has defined “delegation”, from an administrative legal point of view, as follows:

“to delegate is to entrust to another the execution of some power or duty vested in oneself; as such, delegation implies in its very essence the transfer to another of more than mere executory power; a discretion is also transferred”.

All forms of delegation have as their object the division of work and, as pointed out by Gildenhuis (1997:74-75), any council's activities would grind to a halt if the council, its executive committee, chairperson, chief executive officer and heads of department themselves had to execute all the functions and responsibilities that have been imposed on them by legislation.

Wiechers (1984: 55-61) as well as Gildenhuis (1997:75-79) state that there are three basic forms of delegation: the mandate, deconcentration and decentralisation.

In the instance of the simplest form of administrative delegation, the mandate or order, the delegator takes a decision and requests or instructs the delegatee to execute the resolution. The delegatee assumes no responsibility for the decision and the delegator remains responsible for the execution of the task, which is normally executed in the name of the delegator.

The second form of administrative delegation, i.e. deconcentration, normally takes place within an organisation with a specific hierarchy of authority such as a local authority. According to Gildenhuis (1997: 76), this is the general form of delegation in the public sector. In terms of this form of administrative delegation, the delegated powers are executed by the delegatee in the name of the delegator and the delegator is bound by the action taken by the delegatee.

Wiechers (1984: 57-59) has identified the following principles which apply to the deconcentration form of administrative delegation:

- The delegator can withdraw the delegation at any time, can execute the function him/herself or issue instructions as to how the delegatee must execute the function.
- The delegatee acts in the name of the delegator and executes the function as if the delegator has executed the function him/herself. The delegatee has the right to refer the execution of the function back to the delegator.
- The delegator has the right to introduce various forms of control in respect of the execution of the function by the delegatee, including the right to require the delegatee to submit reports to the delegator in regard to the execution of the delegated authority. The delegator furthermore has the right to intervene in the execution of the function, to withdraw the delegation and to execute the function him/herself. In the event of the delegatee having executed the function, the delegator must accept the decision as the function had been executed in the name of the delegator.
- The institutions within the same hierarchy of authority may not take legal action against each other.
- Solidarity exists within the same administrative hierarchy, which refers to the fact that it is legally accepted that the higher institution knows best what would be to the advantage or the best interests of the administration concerned. The higher institution, the delegator, may therefore consider other facts than those which may have been considered by the lower institution, the delegatee, in the execution of the function concerned.

Wiechers (1984: 59), in his summation of his discussion on this form of delegation, states that administrative deconcentration leads to the full delegation of administrative powers and functions, but that it always takes place within the same hierarchy of authority, with the result that the higher institution can always withdraw the delegation and execute it him/herself.

In the instance of the third form of delegation, i.e. decentralisation, powers and functions are delegated to an independent institution and the powers and functions

are executed by the delegatee in his own name. The delegator has no right to act on behalf of the delegatee and control is exercised by the delegator through the appointment of members of the institution concerned, and/or the introduction of an appropriate appeal mechanism.

It is important for the purposes of this study to note that the delegation of powers and functions by a municipal council to its committees, institutions and staff have a direct influence on the respective roles of the councillor and the official in the decision-making process of the council, as well as the service delivery of the local authority. Attention is in this regard devoted to the following prerequisites and general guidelines identified by Gildenhuys (1997: 80-83), which should be observed when delegating functional and decision-making powers.

Prerequisites:

- The organisational structure should be structured scientifically according to universally accepted public management theories and principles, in order to apply delegation sensibly with the object of realising efficient and effective government, management and administration.
- There must be absolute mutual trust between the delegator and the delegatee.
- The delegatee must command the required knowledge and skills to execute the operational and decision-making power efficiently and effectively to the benefit of the public.
- The delegates should not only command the necessary knowledge and skills, but also be prepared to accept the responsibility for the delegation, as well as accountability for the results.
- It must be accepted by the council that delegates can make mistakes.
- A local government council must have the legal power to delegate the functions and powers imposed upon it by parliament or provincial council to subordinate institutions and officials.

General Guidelines:

- The power delegated must be sufficient to allow the delegatee to realise the results expected of him/her.
- The tasks, functions and powers assigned to positions must be clearly defined in writing.
- The way in which delegated operational and decision-making power should be executed should always be clearly defined in writing.
- The results expected must be clearly defined.
- The power to execute an order or assignment to its logical end, demands that the power should be vested as near as possible to the point of actual execution.
- Where power has been delegated, the delegatee must be allowed to make his/her own decisions and he/she must not refer matters for decision unnecessarily to the delegator.
- Once power has been delegated, the delegator must resist the temptation afterwards to make decisions on delegated matters.
- The delegator remains accountable to his/her superior.
- The delegator may at any time withdraw his/her delegation and execute the operation or take the decision himself/herself.
- When a delegatee executes his/her delegated power, he/she acts instead of the delegator and the delegator cannot summarily reject the act or decision of the delegatee.
- The delegator cannot delegate a power that he/she does not command or possess.
- A delegatee may further delegate a power delegated to him/her only if specifically authorised by the delegator to do so.
- The delegatee must accept responsibility for the power delegated to him/her and must act within the limits thereof.

Gildenhuys (1997: 86-87) emphasises that the municipal council remains accountable for the results of all operational activities and decisions of its delegates. It must therefore exercise control in that regard through the use of

control instruments such as ratification, reporting, appeal, auditing, inspection and by prescribed procedures.

3.4 CATEGORIES OF DECISIONS

It has been stated above that the decisions that are taken by a municipality can be grouped into categories which vary from the adoption of formal policy to the most simple of matters relating to the day-to-day performance of its local authority functions. The following categories have been identified:

- Decisions that may in terms of legislation not be delegated and be taken by the council on an annual basis such as the determination of the budget and the election of the mayor;
- Decisions that may in terms of legislation not be delegated by the council, such as the adoption of a by-law;
- Decisions which in terms of legislation must be adopted by special resolution, such as the rescission or variation of resolutions, including resolutions adopted by a standing committee or the executive committee;
- The noting by council of reports on resolutions adopted by the standing committees and the executive committee under delegated authority;
- Decisions that are taken by the executive committee under delegated authority – these decisions must in terms of section 16(6)(c) of the **Local Government Transition Act**, 1993, be taken by consensus, or by a two-third majority of its members;
- Decisions taken by the standing committees under delegated authority;
- Decisions taken by the chief executive director, departmental heads and other staff in terms of their delegated authority;
- Decisions taken by the chief executive director, departmental heads and other staff in the day to day execution of their respective responsibilities. These decisions may be defined as operational decisions.

3.5 CONCLUSION

Municipalities have adopted formal decision-making systems under which they can exercise their powers and perform their duties and functions.

Although it might be possible for the smaller municipalities to decide all matters requiring decision at their normal monthly meetings, the variety and complexity of the larger municipalities make this impossible.

The different committee and other systems that have been adopted include the executive committee system, the multiple committee system, the portfolio system, sub-committees, *ad hoc* committees and advisory committees. The decision-making system or a combination of systems that are adopted by a municipality will depend on its particular circumstances and requirements.

It is impossible for a large municipality to execute all powers and functions entrusted to it by its constituting Act, if its organisational structure, however efficient and effective, is not supported by an effective delegation of operational and decision-making powers. The council, however, remains accountable for the results of all operational activities and decisions of its delegates.

CHAPTER 4

THE ROLE OF THE COUNCILLOR AND THE OFFICIAL IN THE DECISION-MAKING PROCESS OF THE MUNICIPALITY

4.1 INTRODUCTION

A municipality as an organisation consists of two main components: on the one hand, the council as a body of elected representatives and, on the other, personnel who have been employed by the council as deemed necessary to execute its local authority functions. The council is responsible for structuring both components to most effectively serve the requirements of the components concerned.

This study explores the role of the councillor and the official in the decision-making process of the municipality and particular attention will be devoted in the following paragraphs to the role and function of the councillor, as well as the role of the official in the decision-making process of the municipality.

The extent and complexity of the functions of the municipality have an influence on and are indicative of the type of organisational structures that are required. Whilst it is not the purpose of this study to deal with the question of organisational structure, it is necessary to take cognisance of the fact that the macro-organisational structure of a municipality has a direct influence on the interaction between the elected representatives and the officials. The typical organisational structures of a municipality will therefore also be briefly alluded to in the following paragraphs.

4.2 THE ROLE AND FUNCTION OF THE COUNCILLOR

It has been pointed out that the Constitution provides that a municipal council consists of members elected in accordance with national legislation, which legislation *inter alia* prescribes the qualification requirements of councillors. It is not the intention to discuss the legislation relating to the election of the councillor in this discussion of the role and function of the councillor. It was, however, deemed necessary to briefly refer to the qualification requirements concerned. It is sufficient for the purposes of this study to accept that reference to a councillor means a member of a municipal council elected in terms of the provisions of sections 157 and 158 of the Constitution.

4.2.1 Functions of a councillor

Cloete(1997: 68) states that it can generally be accepted that the councillor has three main functions, i.e. representation of his voters, committee work, and active participation in council meetings. Craythorne (1997: 73-75), however, is of the opinion that it is unfair to say that the councillor is there “to govern and represent” or “to take decisions”, even if these activities are part of what councillors are there to do and lists the following as what part of the functions of a councillor, with regard the nature of local government in terms of its legal framework and dimensions:

- Councillors should attend the council's monthly council and committee meetings, which are held in terms of the law and practice, and if they absents themselves for a certain period, they are not only neglecting what they were elected to do, but with or without leave of absence, they can be unseated.
- Councillors should also attend and work effectively at the meetings to which they have been appointed, since their failure to do so would

constitute a failure on their part to honour the wishes of the voters that they should devote a certain amount of their time to civic affairs.

- Councillors have no executive powers as individuals, and they must meet and decide issues corporatively, i.e. as a group.
- The representative capacity of councillors has three aspects:
 - a) to ensure that the group and individual interests of their constituents are represented at the meetings of council;
 - b) to ensure that issues that cannot be solved locally are represented to higher tiers of government; and
 - c) to act where public interests are threatened, e.g. by a nuisance or a condition or situation that could lead to public danger or inconvenience.
- Councillors must not vote on a matter where they have a financial interest, i.e. they must display integrity and selflessness. Where councillors offend against this rule of law, they can be charged and convicted, and in addition, their votes can be declared null and void.
- The mayor's power is limited to giving rulings in terms of the rules of order, and he/she enjoys no more immunity or legal privilege than any other councillor. The mayor has no power to declare a decision by his or her council invalid and of no effect, nor has he/she the power to instruct the town clerk not to act on a resolution passed by a majority of the council. A mayor is expected to act impartially, irrespective of party considerations, and in a dignified manner.
- Where a councillor solicits a bribe or gift, makes improper use of municipal land, tries to obtain preferment for the employment of relatives or votes on a matter in which he/she has a pecuniary interest, these acts can lead to a criminal conviction or other legal consequences, such as the invalidation of a nomination.
- A council sometimes act in a quasi-judicial capacity, i.e. in a way that can affect the rights of another person. When this happens, councillors must act fairly, impartially and honestly, giving the other party the

opportunity to be heard. The impartiality and fairness expected are those expected of a judge.

- Even where a councillor is elected to represent a ward, he/she should consider the interests of the municipality as a whole, because to do otherwise is to reduce what should be an effective, corporate decision-making body, to a series of unseemly and inter-suburban squabbles on how the cake, (provided by the ratepayer) should be divided.
- It is also part of the functions of a councillor to see to it that decisions are taken on civic matters, and that important or urgent matters are not overlooked or disregarded. In this respect it is evidently not the function of a councillor, as an individual, to ignore the fact that he/she is part of a group and to assume that he/she has executive powers. Such arrogance invariably results in confusion and could also result in litigation. Staff who are faced with councillors of this sort need to know that they are entitled by law to refuse to act on an illegal instruction, because it is unlawful for an individual councillor to assume executive powers. Such a councillor could also be unseated in terms of the current Code of Conduct.
- Councillors are often required to take decisions on policies, allocation of resources and the levying of rates. When they take decisions of this sort, they should strive to apply principles of fairness and justice so as to achieve a balance between competing interests.
- Councillors are required to consult the public about matters such as fees, charges, loans and investments.

4.2.2 Contributions by Councillor to Municipal Administration

Cloete (1997: 70), in his summation of his discussion on the role and function of the councillor, states that councillors will only be in a position to make a meaningful contribution to the development of and maintenance of the town if they are willing to sacrifice the time and be in possession of

the required insight and mental abilities. They must be able to study and understand the life of the community to the extent that they are able to debate the same and to take decisions in that regard. Cloete (1997: 70), however, makes the point that it is not expected of the councillor to have the specialised knowledge and expertise of the official, as the councillor is not expected to execute the function of the official. But it is expected of the councillor to be in possession of enough insight in order to adequately judge the performance of the official and to make a contribution to the determination of policy. Cloete concludes that, whilst it is undoubtedly the function of the officials to undertake the executive function of municipality, the councillor who is not adequately equipped to execute his or her legislative and governing function will be in an even poorer position to deal with the executive functions of the municipality. Such a councillor will be inclined to interfere with the most mundane and easily understandable executive activities.

Cloete (1997: 83-85) has furthermore defined the following that the councillor can contribute to the municipal administration:

- It is emphasised that the councillor is the representative of the community and that he/she must in that regard be fully informed of the needs and requirements of the community, in order to be in a position to bring the same to the attention of, and to debate the issue at, the council meeting.
- The council, having resolved the needs and requirements of the community as brought to its attention by the councillor referred to above, may be faced with the situation that the decisions taken may not be acceptable to all members of the community and will then be obliged to convince the members concerned of the need to introduce the measures concerned, failing which the councillors will stand a chance of losing their support. This possibility and in particular the implications in respect of losing their support in the next election,

must not inhibit the councillors from carrying out their task of educating the inhabitants to make sacrifices where same is regarded as being necessary to enhance the quality of the town or city.

- Councillors are required to study relevant legislation and literature with the object of becoming conversant with the requirements of municipal government and administration, in order to be in a position to make a meaningful contribution during debates which could lead to the adoption of sound decisions.
- Whilst Craythorne (1997: 73-75), in his listing of the functions of a councillor as quoted above, has pointed out that a councillor must attend the council and committee meetings, Cloete (1997: 84) makes the point that the councillor must prepare him/herself for the meeting by studying the contents of the agenda as well as to discuss any matter that requires clarification with the town clerk of relevant chief official prior to the meeting.
- Councillors must ensure that they are informed in regard to the progress made with the execution of council resolutions and service delivery.
- Councillors must ensure that they maintain proper relationships with the officials, in view of the fact that the council is the employer and the individual councillor has no more say over the individual municipal employee than the individual resident. A councillor that is dissatisfied with the performance of an official may report his dissatisfaction to the town clerk or, in the instance where it is deemed absolutely necessary, to the council. He or she may, however, under no circumstances issue an instruction to the official. The fact that the councillor may be in a similar profession as that of the official such as a medical doctor or an engineer gives him/her no right to force his views on the official.
- The council remains accountable to the inhabitants in respect of its activities as well as the service delivery of the municipality. The

councillors are therefore obliged to ensure that they are well informed in that regard and will, in pursuance thereof and with the knowledge of the town clerk, carry out on-site inspections. It will also be necessary for the councillors to ensure that the progress or other performance reports are compiled in such a way that it is practical as far as controlling purposes are concerned.

- Councillors must ensure that the council makes a positive contribution to the development and the maintenance of the municipality. Every council must have a goal for its municipality and must formulate such goal as to understandable to the higher authorities as well as every councillor and official. In the absence of a defined goal, the officials will continue to render maintenance services or to recommend *ad hoc* changes to policy according to personal opinion. Such a state of affairs leads to bureaucracy and renders the council superfluous and useless.

Cloete (1997: 85) concludes that, whilst the above must not be regarded as an exhaustive list of the functions and responsibilities of the municipal councils, it proves that councils consisting of elected representatives have an adequate right of existence, although councillors must accept their responsibilities and be willing to make sacrifices in meeting their obligations towards the electorate.

Having regard to the above considerations and in particular the practical implementation of the decision-making systems, it is suspected that the possibility of misinterpretation of role and function in the instance of the councillor may be more prevalent in the execution of the function of political office-bearers and attention will accordingly in the next paragraphs be granted to this important aspect.

4.2.3 The Mayor and Chairpersons of Standing and other Committees

In order to focus on the aim of this study, the functions and duties of the mayor and that of the chairpersons of committees as generally provided for in the rules of order will not be discussed, as these responsibilities are clearly defined and leave no room for misinterpretation by either the councillor or the official. Attention will, however, be devoted to the interaction between these office-bearers and the officials, particularly during meetings.

Craythorne (1997:181) deals as follows with this issue:

- The chairperson is not the administrative head of officials who customarily attend his meetings, and unless particularly keen on destroying morale and undermining the line authority of the council's senior staff, he/she or she should not lay claim to this authority.
- The chairperson is not there to discipline staff, often relatively junior members of the staff, by giving them a "dressing down" in front of the other councillors and staff at the meetings. The standard of service rendered to this type of councillor is invariably the minimum, and it is often rendered grudgingly.
- The chairperson is not there to dazzle those present with the brilliance of his or her sarcasm, or to indulge in childish tantrums because he/she cannot get his/her own way, or to attempt to bully staff to abandon their considered recommendations in favour of some line being pushed by the chairman.
- In general, where there is conflict between the chairperson and the officials, or between the chairperson and the other members, meetings of the committee will not be happy nor will they be productive. The relationship between a chairperson and the officials who attend meetings is a difficult one to define: in part it is based on mutual respect and trust; and in part on openness, particularly on the part of

the officials. A chairperson, in order to deal adequately with an agenda, needs a more extensive briefing than the agenda itself gives, and if the officials are sullen or negative, if they feel that they are being played or bullied or threatened, the natural human tendency is to say as little as possible and hope that the chairman will blot his or her copy book.

- A councillor who has been elected as chairperson has not been given a licence to dominate the debate, nor to insist on foisting his or her views on the committee, while resisting ideas from the floor. If the committee system, with all its inadequacies, is to work effectively, then committee decision making must be free and open corporate decision making.

4.3. THE ROLE OF THE OFFICIAL IN THE DECISION-MAKING PROCESS OF THE MUNICIPALITY

In the introduction to this chapter reference was made to the fact that a municipality as an organisation consists of two main components: on the one hand, the council as a body of elected representatives and, on the other, the personnel employed by the council as deemed necessary to carry out the functions of the municipality.

Gildenhuys(1997:9), in the above regard, points out that it stands to reason that to attain their goals and objectives, local governments must execute specific related functions. These functions have traditionally been classified into two groups, namely line functions and supporting functions. Gildenhuys(1997: 10, 14) defines line functions as those functions that contribute directly to the delivery of services to the public and supporting functions, as those that contribute indirectly, through their support of the line functions, to the realisation of the goals and objectives of a local government. Although this study is not concerned with the organisational structure of a municipality, the macro-organisational structure of the municipality

has a direct influence on the degree of interaction between the elected representatives and the officials. It is accordingly necessary to briefly refer to what are generally accepted as typical organisational structures of a municipality.

4.3.1 Typical Organisational Structure of Municipality

Craythorne (1997: 283, 284) notes that a municipality exists to provide services to the inhabitants of its area and that it must have a structure within which staff can be organised in order to render these services. Craythorne makes the point that in South African local government it has been usual to encounter two forms of organisational structure: a long flat organisation of many departments, or a more pyramidal type with fewer departments. The two forms of organisational structures referred to by Craythorne (1997:284-285) are shown in Figures 1.1 and 1.2.

FIGURE 1.1 THE FLAT ORGANISATION

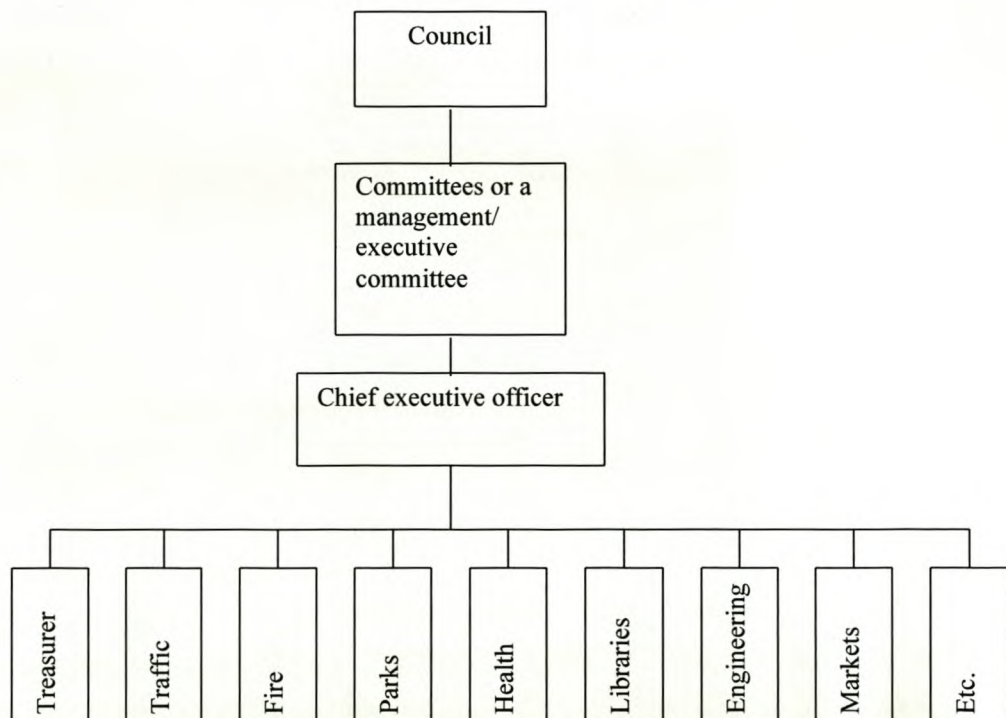
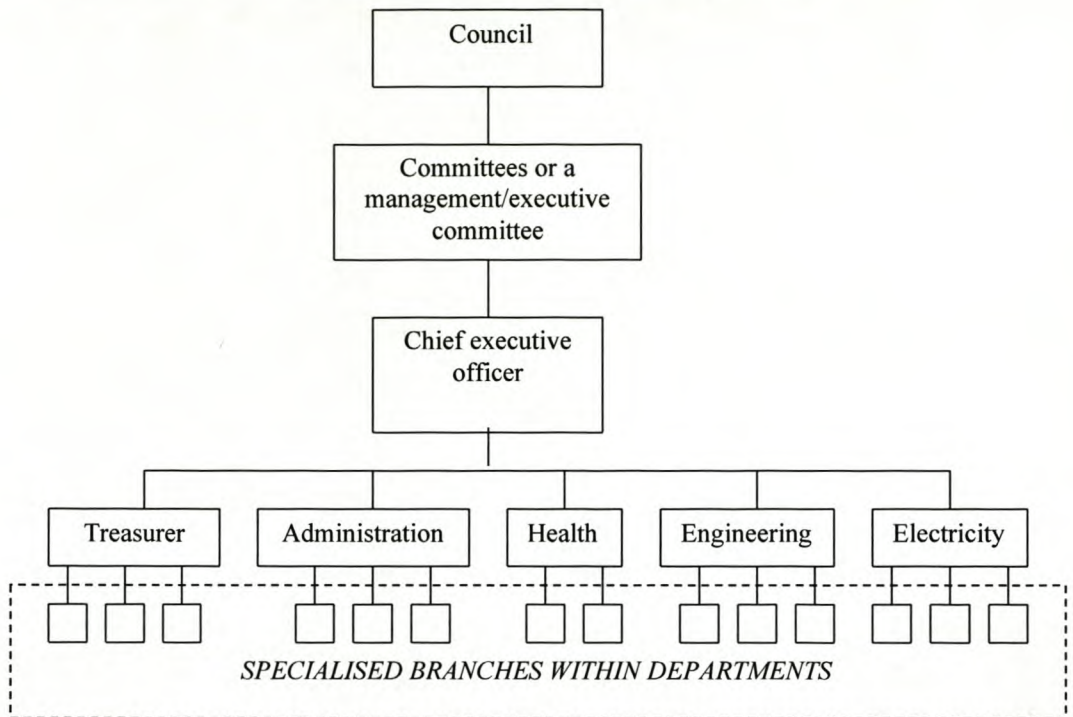


FIGURE 1.2 THE PYRAMIDAL ORGANISATION

The organisational structure adopted by a municipality would depend on the requirements and conditions of the particular community. Cloete (1986: 79-80) describes organising as consisting of grouping people (as individuals or as groups) into an orderly pattern so that everything they do will be aimed at achieving predetermined objectives by dividing work, *inter alia* in respect of function, geographical area, product and client. Robbins (1980: 204, 205) states that an organisational structure consists of three components:

- **Complexity** involves the degree of differentiation there is within the organisation, e.g. specialisation and division of labour;
- **Formalisation** refers to the degree to which the organisation relies on rules and procedures to direct the behaviour of employees;
- **Centralisation** has to do with the question of where decision-making authority lies.

Craythorne (1997:286) makes the point that in instances of centralisation or where the locus of decision-making is fairly high up in the hierarchy, the

organisational structure will tend to be pyramidal with relatively lengthy lines of communication. Craythorne further indicates that, whilst decentralisation allows a much flatter form of organisation in public sector organisations, where control over policy and decision-making is necessarily political, it is not possible to have a truly decentralised structure. Many decisions can and should be delegated to appointed officials, but ultimately political decisions have to be made at the council or committee level.

Whatever form of organisational structure may be adopted, it should, as stated by Gildenhuis (1997:8), have as its goal the creation of circumstances within its municipality and its legal jurisdiction for the attainment of a satisfactory quality of life for each of its citizens. Gildenhuis (1997:8-9) is of the opinion that the development of a satisfactory quality of life by each citizen will only be possible where:

- There are ample and equal opportunities for each of the individuals to subsist, including equal opportunities to work, to do business as producers, manufacturers, contractors, traders and professionals;
- Sufficient and indispensable municipal infrastructural services and amenities of optimum quality are efficiently and effectively supplied;
- The quality of the physical environment within which the individual lives, works, does business and relaxes is satisfactory and not fraught with all sorts of dangers; and
- People feel safe and secure to live their lives without fear of social disruption and personal threats.

Whilst it is the municipal council that is vested with the executive and legislative authority, as well as the responsibility to provide for the needs of its community, it must do so through the organisation it has established and the employees it has appointed.

In view of the objective of this study and the multitude of decisions that are taken by officials on a daily basis, it is necessary to draw a basic distinction between the type of decisions taken by officials in the execution of their respective functions, i.e.:

- those that are necessary to simplify or expedite the execution of the generic management functions and the functional activities where the responsibility to take decisions are clearly defined with no room for misinterpretation by either the councillor or the official; and
- those decisions that leave room for misinterpretation on the part of either the official or the councillor.

The following paragraphs will devote attention to the latter type of decision, namely one where the elected lay representative, the councillor, has to govern in concert with the appointed professional administrator.

4.4 THE ROLE OF THE OFFICIAL IN POLICY-MAKING

Hanekom (1987:24) is of the opinion that the execution of public policies is dependent upon the support of the public officials for those policies and makes the point that as they work in conjunction with the political office bearers, they are associates striving to achieve the same goal. Hanekom (1987:24) has further defined the policy functions of public officials, especially leading officials, to be the following:

- policy innovators;
- policy advisers;
- policy formulators;
- policy implementers;
- policy monitors;
- policy analysts;

- policy evaluators.

In view of the above, it is clear that the official has a major role to play in the policy function. Fox *et al.* (1991: 36) refer to the fact that, as the public manager has managerial responsibilities other than policy-making such as planning, organising, staffing, budgeting, leading/directing, devising work procedures and methods, it places the official in a more advantageous position *vis-à-vis* his political superior, who lacks the particular knowledge and skill to formulate public policy which will contain the technical and practical requirements of public management. Hanekom (1987:25-26) also refers to the expert knowledge of officials which places them in a unique position to know intimately what is or is not feasible and where innovation and creativeness can serve a positive purpose. Hanekom (1987:26), in discussing the policy advisory function of the official, states that the official should provide the political office-bearer with complete facts and advise him/her on the possible implications of specific policy alternatives – which is indicative of the important role of the official in anticipating the future and forecasting the policy impacts.

Fox *et al.* (1991: 36-37) draw attention to the fact that policy-making by public officials is both external and internal:

- external policies pertain to the broad goals of government;
- internal policies guide the internal operation of government institutions and focus on inter-organisational co-ordination and other administrative processes or functions.

Fox *et al.* (1991: 37) point out that, whilst it is assumed that the cognitive processes of decision-making for internal and external policy issues are the same, there are significant differences between internal and external policies in terms of goals, objectives and recipients of services and goods and comes to the conclusion that context determines policy.

Hanekom (1987:27) and Fox *et al.* (1991: 37) agree that public managers do not make the final decision in policy-making and that the politicians in the political arena usually make legislative decisions. It is, however, pointed out by Fox *et al.* (1991: 37) that officials possess an important policy-making finality in the form of delegated authority to make certain legislative interpretations which could become policy in the same way as precedents are created by the courts. More attention will be devoted to this important aspect in the ensuing paragraphs.

4.4.1 Stage model of policy-making

The stage model of policy making as presented by Fox *et al.* (1991: 32-33) breaks down the policy process into descriptive stages that correlate with the real dynamics and activities that result in policy outputs. This model correlates intimately with the policy-making process generally applicable in local government, as is explored in the practical example illustrated below and it was therefore deemed necessary to refer to the various activities as recorded by them:

- **initiation** – becoming aware of a public problem through civic, political or stakeholder action;
- **agenda setting** – placing the issues on the policy agenda and determining priorities;
- **processing the issue** – identifying the problem and the major stakeholders;
- **considering the options** – identifying the major alternative forms of action to solve the problem;
- **making the choice** – selecting an alternative or combination of alternatives from amongst those that have been selected as viable options;
- **publication** – making the decision public through the media, either formally or informally;

- **allocation of resources** – budgeting and selecting resources for the implementation;
- **implementation** – designing and initiating a programme of action;
- **adjudication** – enforcing the policy through administrative and legal means;
- **impact evaluation** – monitoring results and determining the value of policy action;
- **feedback** – generating and sending reports to the decision-makers regarding the impact of policy.

4.5 THE ROLE OF THE COUNCIL AND THE OFFICIAL IN THE POLICY-MAKING PROCESS

By utilising the stage model of policy making as a basis in the following example, it is possible to indicate schematically the respective roles of the council and the officials in the policy-making process itself.

It became necessary for a municipal council to address the question relating to the control of dogs, in view of the many complaints received in that regard, on the one hand, and the inability of the municipal officials to act due to inadequate enabling legislation, on the other:

4.5.1 Schematic illustration of respective roles of the council and the officials in policy-making process

4.5.1.1 Problem that needs to be addressed

Nature and cause of complaint

Complaints are received on a regular basis that dogs are roaming the streets and are causing problems to the neighbourhood by:

- overthrowing refuse bins;

- chasing vehicular traffic as well as pedestrians;
- causing dogs inside private properties to become agitated and to bark, thus giving rise to complaints about noise pollution.

4.5.1.2 Problem faced by municipal officials

Municipal officials are not able to remove the causes for complaint for the following reasons:

- The relevant By-Law is regarded as inadequate as the provisions do not include measures relating to:
 - ◆ The number of dogs that may be kept on a residential property
 - ◆ Circumstances and conditions under which a dog may be permitted outside the property of its owner.
 - ◆ Action that the local authority may take in the event of a dog that is not under the direct control of its owner, being found outside the property of its owner.
- The municipal infrastructure does not include duly appointed law-enforcement officers to apply the provisions of the relevant by-law, nor the necessary specialised vehicles and pound or holding facilities.

SCHEMATIC ILLUSTRATION OF RESPECTIVE ROLES OF COUNCIL AND OFFICIALS IN POLICY-MAKING PROCESS

ACTIVITY	ACTIVITY CONTENT	ROLE OF COUNCIL	ROLE OF OFFICIALS
Initiation	The municipality is made aware of the problem by complaints directed to both councillors and officials.	Refers complaints to the officials	Receive and act on complaints
Agenda setting	The councillor can initiate the matter by way of a motion on the council agenda, or by the CEO as a result of his awareness of the problem. The head of department may be instrumental by putting the matter on the management agenda.	Submission of motion to council.	Submission of report to council
Processing the issue	Expert officials are tasked to analyse the problem in detail, including consideration of community values and norms, available resources and cost implications. The report that is generated must include alternatives relating to draft legislation, required manpower and resources, infrastructure and budget proposals.	No role	Analysis of problem and preparation of report
Considering the options	The report by the expert officials is considered by management and a management report is submitted to the council for consideration. Whilst the expert officials have prepared the report, management has a holistic perspective of the organisation, its goals and community norms and values.	No role	Management considers the report and submits it to council together with its comments
Making the choice	The report by management is considered by council. Council selects from the alternatives and decides on a course of action, i.e. the proposed amendment to the by-law and budget proposals i.r.o. manpower and equipment as well as changes to organisational structure to accommodate "new" law enforcement section.	Considers report and takes decision	Management gives input during council consideration of matter.
Publication	Council's intention to amend the By-Law must be advertised in terms of section 190 of the Municipal Ordinance No. 20 of 1974 (Cape). Objections must be considered and referred to the Premier together with Council's comments. The proposals will normally receive local media attention.	In the instance where objections are received council must consider same and formulate its comments on them for submission to the Premier.	Execution of administrative process. In the case of objections management will formulate comments for consideration by council.
Allocation of resources	The budget proposals adopted by council will form part of the draft budget for the ensuing year and will be considered by council in terms of its budgeting procedure. It is important to note that the budget proposals may not be acted upon until the budget has been adopted by council and approved by the Minister of Finance (Section 10G(3) of the Local Government Transition Act No. 209 of 1993).	Determination of the budget	Management gives professional input
Implementation	The course of action - the new policy - can be implemented as soon as the legislative process has been finalised and the municipal infrastructure enhanced to accommodate the required actions, i.e. manpower, equipment and organisational structure. Implementation will be effected in terms of the approved action plan.	No role.	Administrative process.
Adjudication	The new policy as embodied in the amended by-law and council resolutions in respect of manpower and equipment is implemented and enforced by the officials concerned. It is general practice to keep statistical records of operational activities, which statistics form part of periodical information reports to council.	No role.	Administrative and legal enforcement process.

ACTIVITY	ACTIVITY CONTENT	ROLE OF COUNCIL	ROLE OF OFFICIALS
Impact evaluation	The adoption of a course of action to resolve the problem necessitated costs being incurred – both capital and operating - and it is necessary for the council to evaluate its actions in terms of its success or otherwise. It is accepted that a statistical report will be submitted by the officials to management and council in due course, in which the implementation of the policy is evaluated.	No role. Council may require the report to be in a specific format or to contain specific information.	Administrative process.
Feedback	Management is in a position to evaluate the evaluation report not only in respect of the degree of effectiveness of the policy, but also from an operational point of view. It is accordingly responsible for including recommendations, if applicable, to council in respect of further changes that may be deemed necessary.	Considers report and takes decision.	Management gives professional input.

The stage model of decision-making illustrated above is indicative of the respective roles of the council and officials in the policy-making process of a local authority. The model, however, ignores the various decision-making systems that have been adopted by local authorities as discussed above, with particular reference to the following:

- The multi-committee system
- The executive committee system:
- The portfolio system
- Sub-committees
- *Ad hoc* committees
- Advisory committees.

These decision-making systems have a direct influence on the dynamics of the interaction between the council and the officials in the decision-making process and will accordingly be discussed hereunder.

4.5.1.3 Influence of decision-making systems on interaction between the council and officials in decision-making process

4.5.1.3.1 The Multi-Committee System or the Executive Committee System

The multi-committee system is described as a system whereby the councillors break up the work they have to do into functional units known

as committees or standing committees, such as works, amenities, finance, health and town planning.

In the case of the municipality not having adopted a multi-committee system, but introduced the executive committee system in accordance with the provisions of section 16(6) of the **Local Government Transition Act, 1993** (Act 209 of 1993), the executive committee will act as the responsible committee as referred to below with the same implications for the policy-making process as that of the multi-committee system. Reference to “*committee*” below will accordingly include both a committee established in terms of the multi-committee system as well as the executive committee.

In the event of the multi-committee or the executive committee system therefore having been adopted by the council in the example of the policy-making process illustrated above, the activities indicated under “activity content” as well as under the respective roles of the council and that of the official would have to accommodate the role of the committee or the executive committee in the decision-making process of the council to the following extent:

- Under the activity “***agenda setting***”, the matter could be initiated by a member of the responsible committee or any other interested or concerned councillor, by way of a motion on the committee agenda. “*Responsible committee*” refers to the committee which terms of reference makes provision for the matter concerned. The function “control of dogs” may, for instance, be included in the terms of reference of the Protection Services Committee and this committee will accordingly then be regarded as the “responsible committee” in the illustrated example.

- Under the activity *“considering the options”*, the management report will be submitted to and considered by the responsible committee. The officials will take active part in the deliberations during the committee meeting and the decision of the committee will be submitted to council in the form of a report and recommendation.
- Under the activity *“making the choice”*, the report and recommendation of the committee – not that of the management – will be considered and resolved by the council. It is in this regard necessary to point out that it is accepted that the council, during consideration of the matter and prior to resolving same, may decide to refer the report of the Protection Services Committee to the Finance Committee as well as the Human Resources Committee, having regard to the implications the proposed policy may have on infrastructure and staff.
- Under the activity *“impact evaluation”*, the statistical report will be submitted to the responsible committee by management and the committee will refer same together with its comments or recommendations to council.
- Under the activity *“feedback”*, the report as well as recommendations will be submitted to the responsible committee by management. As in the case of the activity *“considering the options”*, management will take active part in the deliberations. The decision of the committee will then be submitted to the council in the form of a report and recommendations.

The decision-making process as outlined above is indicative of the fact that where the local authority has adopted the multi-committee system or the executive committee system, the role of the official in the decision-making process is enriched and the councillor better informed. This is due to the fact that it is possible for the officials as experts in their respective functional areas

of specialisation to participate actively in deliberations during committee meetings, whereas the formal and public nature of the council meeting restricts participation by officials to reactive contributions only when initiated or prompted by the council.

Attendance of council meetings by officials are normally restricted to the chief executive officer, senior heads of departments and the secretariat. Committee meetings, on the other hand, are normally attended by the senior head of department concerned as well as his/her supporting senior staff being expert officials in their respective fields of specialisation.

The Protection Services Committee meeting will in the above example be attended by the senior head of department, Chief: Protection Services, accompanied by the divisional heads, the Chief Fire Officer and the Chief Traffic Officer. Although the report which serves before the committee should contain all the information necessary to make decision-making possible, certain issues may be raised during the meeting which have not been addressed in the report and which require clarification before the matter can be resolved. The presence of the expert official at the meeting eliminates this problem to a large degree and prevents the matter from being referred back to the department concerned for a further report.

If a matter is referred back for a further report, it effectively delays resolution of the matter until at least the next meeting of the council or committee, as the case may be. It is in this respect reasonable to assume that the delay would in itself impact negatively on service delivery as the service, i.e. the increased control of dogs, would be deferred until the matter is finally resolved.

An aspect which requires consideration is the influence political party caucuses have on the role of the official, as well as that of the individual councillor, in the decision-making process of the municipality. The degree of

influence is, however, directly affected by the type of decision-making system adopted by the local authority. This statement is based on the fact that members of a political party caucus are bound by the decision of the caucus and may not, during the decision-making process, express an opposing opinion or vote against the caucus position.

The effect of the caucus position on the decision-making process of the municipality is simply that once the caucus has determined its position on a matter, deliberations at the official meeting have little or no influence on the position already adopted. Contributions by officials at the meeting, however valuable, similarly have little or no influence on the position already adopted.

Party caucus meetings generally take place after the agenda has been circulated and prior to the council meeting. Where municipalities have not introduced the multi-committee and/or the executive committee system, officials are not afforded the opportunity to make any further contribution or to react professionally to any issue raised outside the scope of the agenda and concomitant documentation.

However, in the instances where the multi-committee and/or executive committee system have been introduced, the members of the various committees are afforded the opportunity to deliberate the issues with expert officials prior to the caucuses adopting a fixed position on the matter. This is illustrated in **FIGURE 2.1** and **FIGURE 2.2** below.

It has been pointed out that the caucus has a definite influence on the decision-making process of the council. Notwithstanding the introduction and dynamics of party politics in local government as explicitly provided for and endorsed by national legislation, councils must ensure that in the exercising of a *quasi-judicial* discretion, it must actually – as well as be seen to – comply with the rules of natural justice. Wiechers (1984:256-257) points out

that compliance with the rules of natural justice ensures that the administrative organ has in fact granted its proper attention to the matter.

Reference to this aspect has been deemed necessary in view of the influence of the caucus on the decision-making process of the council.

FIGURE 2.1

Multi-committee and/or executive committee system not introduced

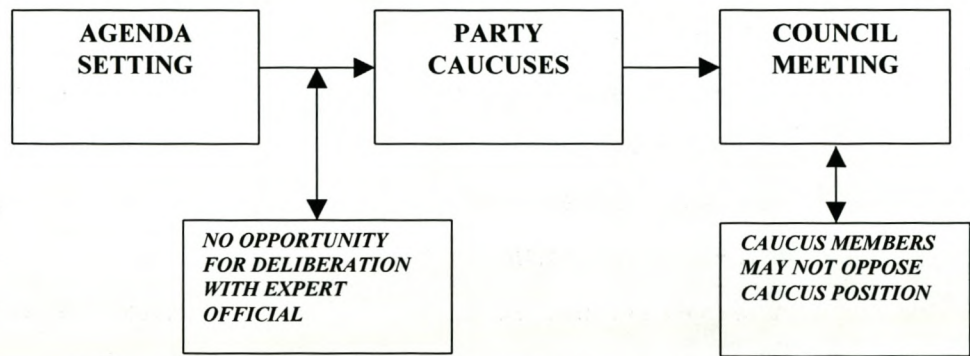
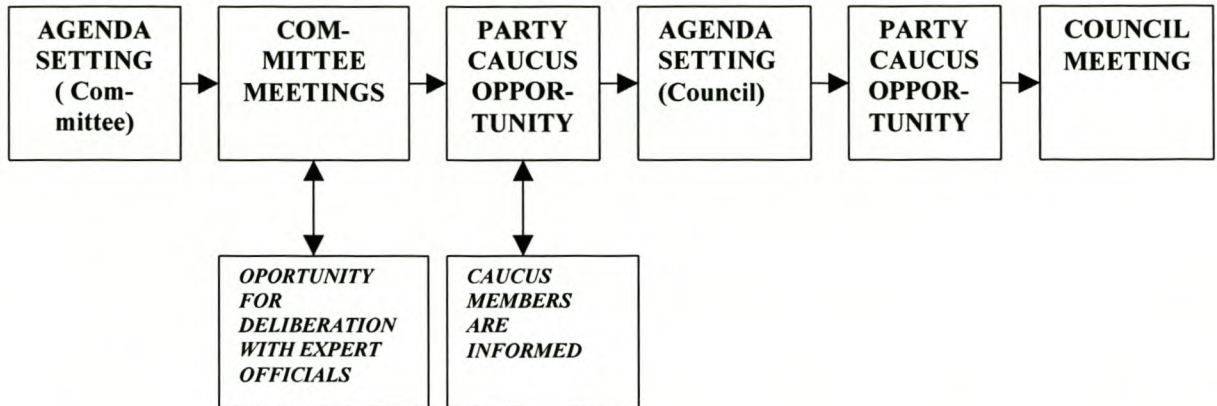


FIGURE 2.2

Multi-committee and/or executive committee introduced



4.5.1.3.2 The Executive Committee System in conjunction with the Multi-Committee System

It is necessary to point out that in the event of the executive committee system having been adopted by the council in conjunction with the multi-committee system in the example of the policy-making process illustrated above, the activities indicated under the respective roles of the council and that of the official would have to accommodate the role of both the committee as well as that of the executive committee in the decision-making process of the council.

The extent to which the adoption of these decision-making systems will influence the illustrated process is indicated as follows:

- Under the activity “*agenda setting*”, the matter could be initiated by a member of the responsible committee or any other interested or

concerned councillor, by way of a motion on the committee's agenda. "*Responsible committee*" refers to the committee which has been established in terms of the multi-committee system which terms of reference make provision for the matter concerned. The function "control of dogs" may, for instance, be included in the terms of reference of the Protection Services Committee and this committee will accordingly then be regarded as the "responsible committee" in the illustrated example.

- Under the activity "*considering the options*", the management report will be submitted to and considered by the responsible committee. The officials will take active part in the deliberations during the committee meeting and the decision of the committee will be submitted to the executive committee in the form of a report and recommendation. The executive committee, having considered the report by the committee, will either refer the matter back to the committee for reasons that may include a request for more information or on a point of clarification, or submit its comments and/or recommendations thereon to council for consideration. It is necessary to point out that it is accepted that the executive committee, during consideration of the matter and prior to submitting its comments or recommendations to the council, may decide to refer the report of the Protection Services Committee to the Finance Committee as well as the Human Resources Committee, having regard to the implications the proposed policy may have on infrastructure and staff.
- Under the activity "*making the choice*", the report and recommendation of the executive committee will be considered and resolved by the council.

- Under the activity *“impact evaluation”*, the statistical report will be submitted to the responsible committee by management and the committee will refer the same together with its comments or recommendations to the executive committee. The executive committee, having considered the report by the committee, will submit its comments and/or recommendations to council for consideration.
- Under the activity *“feedback”*, the report as well as recommendations will be submitted to the responsible committee by management. As in the instance of the activity *“considering the options”*, management will take active part in the deliberations. The decision of the committee will then be submitted to the executive committee in the form of a report and recommendations. The executive committee, having considered the report by the committee will submit its comments and/or recommendations to council for consideration

4.5.1.3.3 The Portfolio System

It has been pointed out that in terms of the portfolio system councillors are appointed to be the spokespersons for a particular function, in the same manner as committees in the multi-committee system are appointed. The portfolio system is, however, an alternative to the multi-committee system and/or the executive committee system and matters that require resolution are submitted to the council meeting – the only forum for decision-making – for consideration. The only exception to this rule would be dedicated sub-committees, advisory committees and *ad hoc* committees which have been appointed by the council to deal with specific matters.

In view of the above, the portfolio system would have no or little influence on the activities indicated under the respective roles of the council and that

of the official as reflected in the illustrated example of the policy-making process.

4.5.1.3.4 Sub- Committees, *Ad Hoc* and Advisory Committees

Sub-committees, *ad hoc* and advisory committees are appointed by councils to deal with specific matters and the relevant referring and reporting procedures would be determined by the council in each instance. The respective roles of the council and the official would in each case therefore also depend on the specific enabling council resolution.

4.6 CONCLUSION

Councillors have three main functions, i.e. representation of his or her voters, committee work and active participation in the decision-making processes of the municipality. Councillors have no executive powers as individuals and they must meet and decide issues corporatively.

The municipal organisational structure adopted by a municipality would depend on the requirements and conditions of its community and must have as its goal the creation of circumstances within its municipality and its legal jurisdiction for the attainment of a satisfactory quality of life for each of its citizens.

The officials are responsible for the execution of public policies; they work in conjunction with the political office-bearers and are associates striving to achieve the same goal. Whilst it is agreed that public managers do not make the final decision in policy-making, they act as policy innovators, advisers, formulators, implementers, monitors, analysts and evaluators. They do possess an important policy-making finality in the form of delegated authority to make certain

legislative interpretations which could become policy in the same way as precedents are created by the courts.

The decision-making process in Oostenberg municipality as well as the macro-organisational structure that it has adopted is analysed and discussed in the following chapter.

CHAPTER 5

THE DECISION-MAKING PROCESS IN

OOSTENBERG MUNICIPALITY: AN ANALYSIS

5.1 INTRODUCTION

Oostenberg municipality was established in terms of the provisions of Proclamation No. 27/1996 at midnight on 28 May 1996.

The fact that a new municipality was established has a direct influence on this study as it placed an obligation on the new council to determine its decision-making systems as well as its organisational structure to best meet the demands and expectations of its consolidated community.

The decision-making processes of the new municipality are analysed in this chapter, with particular attention being devoted to the decision-making systems which have been adopted by the municipality, the delegations granted to the executive committee as well as to the standing committees of the council, the role and function of the councillor, the organisational structure of the municipality and the role of the officials in the policy-making process itself.

5.2 DECISION-MAKING SYSTEMS

The municipality was awarded 24 ward and 16 proportional seats and the general election held on 29 May 1996 resulted in the council of 40 members being comprised as follows:

NEW NATIONAL PARTY:

8 COUNCILLORS

AFRICAN NATIONAL CONGRESS:	10 COUNCILLORS
FREEDOM FRONT:	1 COUNCILLOR
INDEPENDENT CANDIDATES:	1 COUNCILLOR

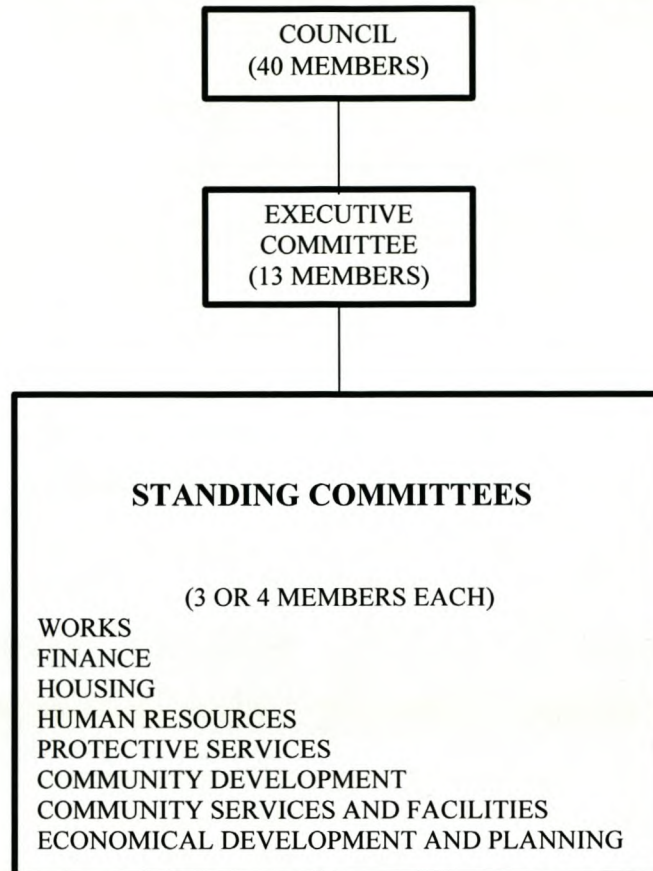
5.2.1 The Council

The inaugural meeting of the council was held on 10 June 1996 in accordance with the provisions of section 48 of the **Municipal Ordinance** 1974, Ordinance No. 20 of 1974, on which occasion the mayor and deputy mayor were elected. The council at this meeting also resolved to appoint an executive committee in accordance with the provisions of section 16(6) of the **Local Government Transition Act**, 1993 Act 209 of 1993, as well as a multi-committee system consisting of eight standing committees. The council furthermore adopted the Standard By-Law relating to the Procedure and the Maintenance of Order at Meetings, as promulgated under Provincial Notice number 411/1988 dated 20 May 1988 as its rules of order.

In view of the fact that no formal decision-making structure existed prior to the inaugural meeting of the council on 10 June 1996, it is assumed that the proposals which were submitted to and adopted by the council on 10 June 1996 were generated by the party political caucuses concerned.

The committee system adopted by the council is schematically illustrated in **FIGURE 3.1** hereunder.

FIGURE 3.1
COUNCIL AND COMMITTEE SYSTEM:
OOSTENBERG MUNICIPALITY



5.2.2 The Executive Committee

In terms of the provisions of section 16(6) of the **Local Government Transition Act 1993 Act No. 209 of 1993**, a transitional metropolitan substructure may elect an executive committee according to a system of proportional representation from among its members to exercise such powers and perform such duties as such council may determine. This authority is *inter alia* subject to the provision that the council shall determine the system of proportional representation and the number of members of and the quorum for the executive committee.

In view of the party political representation on the council, the council resolved to adopt the following executive committee:

- **Number of members:** 13 councillors
- **Composition:**
 - Chairperson
 - Deputy Chairperson
 - Chairpersons of Standing Committees (x8)
 - Three other members
- **Proportional representation:**
 - New National Party 10 members
 - African National Congress 3 members
- **Quorum:** 50% (i.e. 7 members)

5.2.2.1 Terms of reference and delegated powers of the Executive Committee

The Executive Committee has delegated authority to consider and resolve any matter, with the exception of matters which may in terms of the relevant legislation not be delegated by the council, matters which concern the determination of new policy as well as matters which have been delegated to the standing committees of the council. Examples of matters which must be considered and resolved by the council in terms of relevant legislation and which are thus expressly excluded from the delegated powers of the executive committee include, *inter alia*, the determination of the annual budget, including the determination of property rates as well as tariffs, the passing of by-laws, the raising of loans and consideration of the report of the Auditor-General on the Annual Financial Statements of the municipality.

5.2.3 Standing Committees

Council, at its inaugural meeting held on 10 June 1996, and in addition to the executive committee, appointed the following eight standing committees:

- Community Development Committee
- Community Services and Facilities Committee
- Economic Development and Planning Committee
- Finance Committee
- Housing Committee
- Human Resource Management Committee
- Protection Services Committee
- Works and Amenities Committee.

The terms of reference of the standing committees and their delegated powers are dealt with in the following paragraphs.

5.2.3.1 The Terms of Reference of the Standing Committees

The terms of reference of the standing committees are functionally related to the main object of the standing committee concerned. The terms of reference of the Human Resources Committee are, for instance, primarily concerned with matters relating to human resource management and those of the Finance Committee, i.e. financial management.

In view of the specialised nature of the terms of reference of the respective standing committees, a matter requiring consideration may need to be considered by more than one standing committee before being resolved by either a standing committee or the Executive Committee, as the case may be.

A practical example of the above is the submission by the Director: Civil Services to the Works and Amenities Committee to effect a change to the organigram or personnel structure of the Directorate: Civil Services. This submission will have to be considered by the Human Resources Committee for recommendation to the Works and Amenities Committee to enable the Works and Amenities Committee to submit its report and recommendation to the Executive Committee.

The ordinary meetings of the standing committees are scheduled by the Council on an annual basis. In terms of this schedule of meetings, no overlapping of meetings is permitted and it is accordingly possible for any councillor to attend any or all the committee meetings. The agendas of all committee meetings are circulated to all councillors which enable councillors to be fully informed in regard to the matters which are submitted to the committees for consideration. In terms of this arrangement all councillors are afforded the opportunity to attend all or any of the scheduled committee meetings.

5.2.3.2 Delegation of Powers to Standing Committees

The terms of reference and delegation of powers of the Executive Committee and the standing committees of the council were formally adopted by the council per special resolution at its meeting held on 27 August 1996.

The delegation has as its object the division of work and relates directly to the functional field of the respective committees. All decisions adopted under delegated authority are reported to Council at its following ordinary meeting for noting purposes only. Resolutions which are adopted by the standing committees in respect of matters which are not part of its delegated authority, or in respect of which the committee specifically

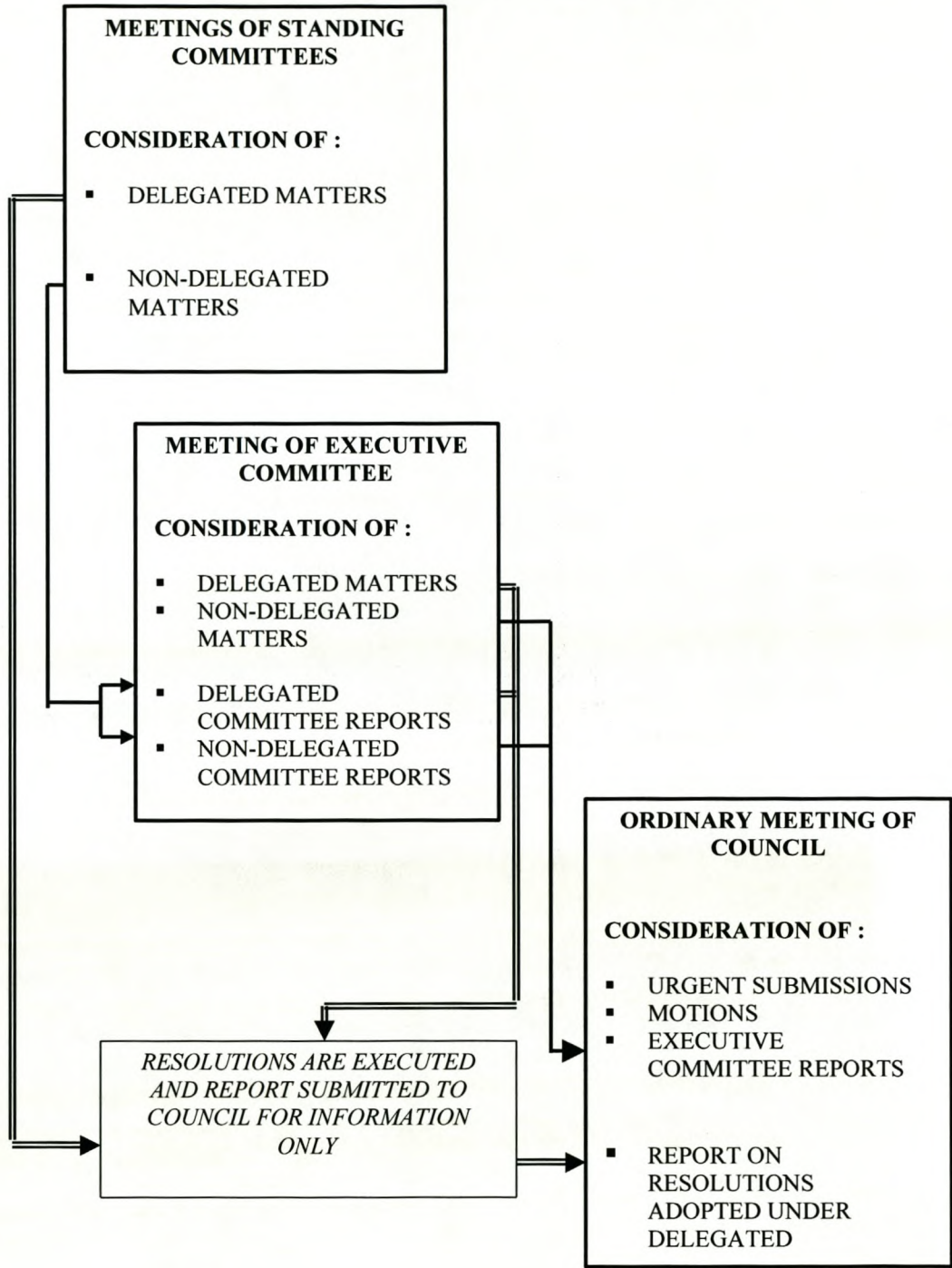
resolves not to exercise its delegated authority, are referred to the executive committee in the form of a committee recommendation.

The fact that:

- all matters that have not been resolved by the standing committees must be submitted to the executive committee for consideration;
- the executive committee is *inter alia* comprised of the chairpersons of all standing committee and all standing committees are therefore represented on the executive committee;
- the executive committee has delegated powers to resolve all matters with the exception of those referred to above, has enhanced and facilitated the decision-making process of the council to the extent that most matters are dealt with primarily on standing committee level with the expert officials in attendance and being able to actively participate in the debate. This decision-making system has the further advantage of effectively minimising the incidence of matters having to be reconsidered and debated by the executive committee and again during the ordinary meeting of the council.

The decision-making system of the council as outlined above is schematically illustrated in **FIGURE 3.2** below.

FIGURE 3.2
DECISION-MAKING SYSTEM:
OOSTENBERG MUNICIPALITY



5.3 ORGANISATIONAL STRUCTURE

The council, having determined its decision-making system and having granted delegated powers to the standing committees and the executive committee, resolved on 22 October 1996 to enter into a process to determine its macro-organisational design. In terms of the provisions of section 8.1(b) of the **Cape Metropolitan Further Enactment**, No. 27 of 1996, all local authorities in the Cape Metropolitan Area were obliged to determine and adopt their organisational structures before 30 June 1997.

In pursuance of the process agreed upon by council, political representatives, representatives from organised labour and senior managers representing all disciplines of the newly established municipality held a workshop on organisational design on 8 and 9 November 1996. The purpose of the workshop was to:

- develop a common understanding of the role and purpose of the Eastern Municipality;
- develop principles and guidelines in order to translate purpose into organisational structure;
- consider technical inputs and proposals on preferred macro-organisational options; and
- develop a common understanding of the role of management.

The report on the workshop was considered and amended by a further workshop arranged for that purpose on 9 December 1996 and the report emanating from that workshop was considered and accepted with certain amendments by council at its meeting held on 10 December 1996.

The macro-organisational structure finally accepted by the council reflected the strategic purpose and focus of the municipality and recognised that, whilst functionally dominated departments would not necessarily be appropriate vehicles

to address the key focus areas identified for the municipality, large staff and budgetary components of the new administration had to be functionally organised for practical reasons. The macro-organisational structure accordingly provided for the combination of elements of service-oriented and functional design with two structural layers below the chief executive officer, i.e. strategic management and organisational components.

5.3.1 Strategic management

The strategic management in the form of two strategic directors is responsible for the strategic management of the municipality with the chief executive director (chief executive officer) and primarily draws resources from operational capacity within the municipality. The key tasks of the strategic directors are the following:

- preparation and review of a financial framework;
- preparation and review of a service delivery strategy;
- preparation and review of a framework of performance standards and objectives linked to the preparation of budgetary allocations;
- performance measurement of functional departments in terms of performance standards and objectives;
- institutional transformation and change management.

5.3.2 Operational departments

The following nine operational departments, referred to as directorates, were established and grouped as follows to facilitate strategic planning:

Corporate Services

- Administrative Services
- Community Services and Facilities
- Financial Services
- Human Resource Management

- Protection Services

Development Services

- Civil Services
- Economical Development and Planning Services
- Electrotechnical and Mechanical Services
- Housing Services.

5.3.3 Integration of political decision-making structures and operational departments

The macro-organisational structure adopted by the council clearly reflects a specific attempt to integrate the political decision-making structures of the council with its macro-organisational structure.

This is illustrated in **FIGURE 3.3** hereunder.

**FIGURE 3.3 INTEGRATING THE POLITICAL DECISION-MAKING
STRUCTURE WITH THE MACRO-ORGANISATIONAL STRUCTURE**

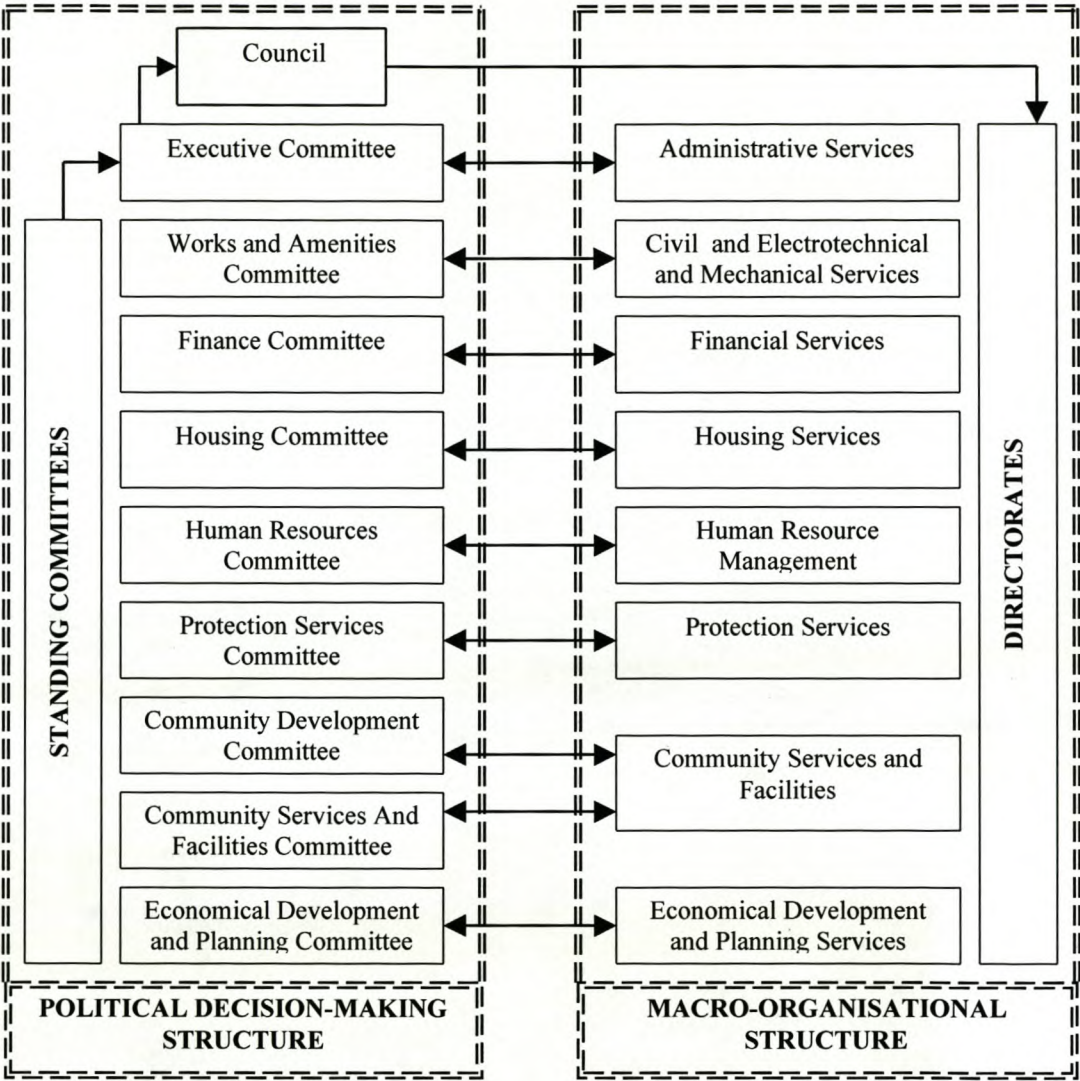
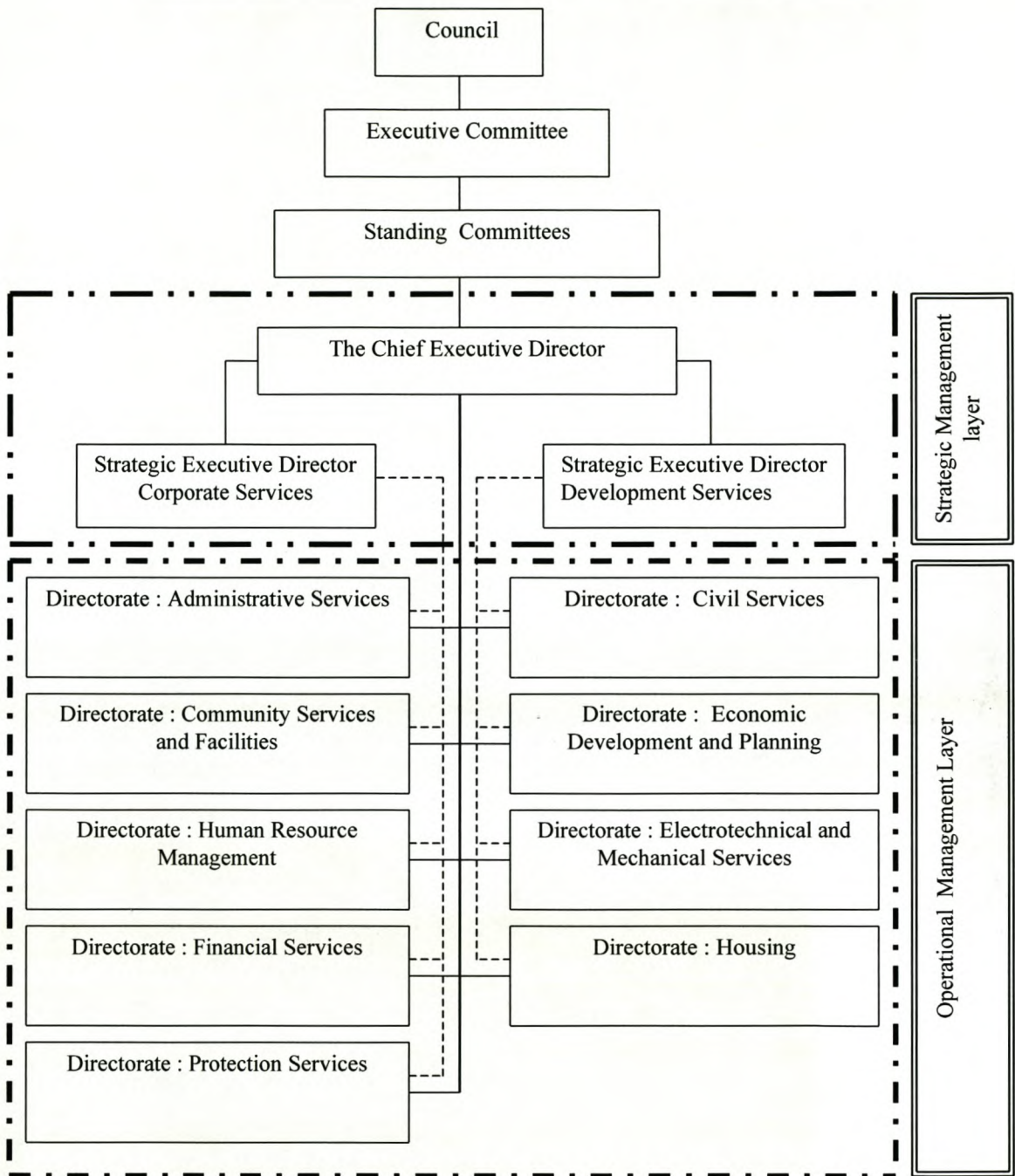


FIGURE 3.4 MACRO-ORGANISATIONAL STRUCTURE

[illegible]

5.3.4 Micro-organisational Structure

Council, having determined its macro-organisational structure and having appointed the appropriate directors, instructed each director to plan his or her departmental organisational structure and to submit the same to the relevant standing committee for consideration and recommendation to the executive committee and the council.

This process to determine the micro-organisational structure was completed by the end of July 1997 and the posts advertised and the necessary appointments effected by 31 October 1997.

5.4 THE ROLE OF THE OFFICIAL IN THE POLICY-MAKING PROCESS

The integration of the decision-making structure of the council and that of the macro-organisational structure as outlined above has a direct influence on the role of the official in the policy making process.

The following factors are regarded as having a direct influence in respect of the degree to which the municipality is able to meet the demands and expectations of its community:

5.4.1 Establishment of partnership between political office-bearer and director

The council, during the determination of its macro-organisational structure, expressed the desire to establish a so-called partnership between the chairperson of the standing committee and the director concerned, to the extent that the directors were requested to provide office

accommodation in their offices for the chairperson, should the chairperson wish to be so accommodated.

The purpose of this association was to combine the political sensitivity of the position of the political office-bearer with the expert knowledge of the specialised official in an ongoing endeavour to realise the strategic purpose and focus of the municipality.

The partnership which is established between the director and the political representative is an effective communication mechanism which places the director in a unique position to convey to the political representative his intimate knowledge of what is or is not feasible and where innovation and creativeness can serve a positive purpose, as envisaged by Hanekom (1987: 25-26). The political representative is at the same time placed in a position to interact actively with the expert official on a continuous basis. This interaction between political representative and the expert official takes place during the following stages of the stage model of policy making as presented by Fox *et al.* (1991: 32-33):

- initiation
- agenda setting
- processing the issue
- considering the issue
- impact evaluation and
- feedback,

and it is accordingly accepted that the alternative policy proposals which are placed on the council agenda as a result of this would be representative of both the political and expert official viewpoints.

The director, being an expert in his particular field and a part of the management team, is in a position not only to guide and advise the political office bearer on possible policy alternatives on the infrastructure

and expertise of his particular department, but also in respect of the impact or implications such alternatives might have on the municipal infrastructure in general. The policy alternative which is in the process of being formulated will accordingly be sensitive to the municipal infrastructure in general.

Cloete (1997: 70) states that for a councillor to make a significant contribution to the development and maintenance of the municipality, he/she should be prepared to sacrifice time and gain knowledge of and insight into the community he/she serves. Cloete (1997: 70) further states that although the councillor is not expected to perform the duties of the official, he/she must have the insight necessary to evaluate the work of the officials and to make contributions when policy decisions have to be taken. The association created by the partnership grants the political representative the opportunity to effectively gain first-hand insight and knowledge as envisaged by Cloete (1997: 70).

It is further accepted that the political representative will, as a result of the association with the director and indeed the directorate, be appreciative of the problems that must be dealt with by the directorate in the execution of its day-to-day functions. The political representative is therefore in a position to provide input on behalf of the directorate at discussion platforms such as caucus meetings where the director or expert official is not present.

5.4.2 Interaction between political representatives and expert officials at committee meetings

The specialised nature of the standing committee makes it possible for the committee meetings to be attended by officials who are experts in that

particular field and for the committee to focus technically on the matters serving on its agenda.

A special association is formed between the committee and the expert officials normally in attendance and it is common to hear officials, even those several post levels or ranks lower than that of the director concerned, referring to his or her committee.

Councillors have a wide choice *vis-à-vis* the selection of a committee which deals with matters in which the councillors have a particular interest or knowledge. Cloete (1997: 87-88) makes the point that this is advantageous in that it ensures that there are councillors in the council that are knowledgeable in the multiple functional areas of the municipality. The association formed between the officials and members of the standing committee, particularly those with a special interest in the functions of the committee, makes it possible for the councillor to become better informed and to gain knowledge through active interaction with the expert official.

Knowledge and understanding by the political representative of the executive function, contributes directly to an enhanced trust in the expert official and as such in his role as policy innovator, adviser, formulator, implementer, monitor, analyst and evaluator, as defined by Hanekom (1987: 24).

5.5. CONCLUSION

The council of the newly established Oostenberg municipality was obliged to determine both its decision-making systems as well as its macro-organisational structure.

The decision-making system that was adopted, i.e. an executive committee as well as eight standing committees, included maximum delegation of powers to the standing committees, with the executive committee being granted delegated authority to resolve all matters, with the exception of those granted to the standing committees and those that must in terms of the relevant legislation be resolved by the council. This delegation of powers had the object of dividing the work as well as to improve service delivery.

The fact that the council had to determine the macro-organisational structure of the new municipality gave the council the opportunity to plan the same, having regard to the needs of the community that it served. The macro-organisational structure that was finally accepted by the council, reflected the strategic purpose and focus of the municipality, and it is clear that a specific attempt was made to integrate it with the political decision-making structures of the municipality. This integration of the political decision-making structures with the macro-organisational structures of the municipality led to the establishment of a professional association between the political office bearer and the expert official with resultant advantages in respect of service delivery.

The advantages referred to above are negatively influenced by councillors and officials who have misconceptions of their roles in the decision-making process of the municipality and the degree of misconception that actually exists is assessed in the following chapter.

CHAPTER 6

EVALUATING THE DEGREE OF MISCONCEPTION

6.1 INTRODUCTION

It is necessary to measure the comprehension of the councillors and of the officials of their respective roles in the decision-making process of the municipality in order to determine whether or not a degree of misconception in their respective roles does in fact exist. In would in that instance then be necessary to determine the impact such a misconception about roles may have on service delivery.

6.2 DEFINING THE WORD “MISCONCEPTION”

The term “*misconception*” is defined by the Essential English Dictionary (Collins, 1989:154), as follows: “*A misconception is a wrong idea that you have about something*”, and by The Concise Oxford Thesaurus (Kirkpatrick, 1996:503), as “*misapprehension, misunderstanding, mistake, error, misinterpretation, the wrong idea, a false impression, and delusion*”. In this study, the term “*misconception*” refers to a situation where the councillor or the official has the wrong idea or misunderstanding of his or her role as either a councillor or an official, as the case may be. The term misconception is in this study also applies in the situation where the councillor has the wrong idea of, or misinterprets, the role of the official, or in the case of the official, a misunderstanding or misinterpretation of the role of the councillor.

A misconception is indicated by the respondent when he/she has made a wrong choice through his or her response in the questionnaire with regard to his or her role as either a councillor or an official. What represents a correct or wrong

choice by the respondents is debated in an analysis of each case and it is in this regard necessary to point out that the analysis is either based on authority or substantiated interpretation. This approach may in certain circumstances be viewed as being subjective.

6.3 CASES SELECTED

The cases used in the attached questionnaires, marked **ANNEXURE 1** and **ANNEXURE 2**, have been selected to be as representative as possible of the various models of decision-making, as well as of the various identified categories of decisions. An analysis of each case has been carried out in order to determine both the decision or action which does not represent a misconception of role, as well as the impact a misconception of the respective roles may have on service delivery.

The cases are discussed in the following paragraphs:

6.3.1 CASE ONE: DETERMINATION OF THE CAPITAL BUDGET

The determination of the budget is a decision that forms part of the category of decisions that may in terms of the legislation not be delegated by the council and which must be taken annually. The determination of the budget has elements of both the incremental and “satisficing” models of decision-making in that the major part of the budget, referred to as the operating budget, consists of the previous budget, incrementally increased to accommodate rising costs. The other part of the budget, the capital budget, is dedicated to the provision of funds to finance major expenditure aimed at the improvement of service or other infrastructure. The extent of the capital budget is determined by the availability of funds on the operating budget. In view of the fact that the expectations or needs of

the community inevitably exceed the funds available, such needs are prioritised and funds allocated to satisfy those with the highest priority.

The question posed to both the councillor and the official was to determine whether the respondents had a clear comprehension of the role of the council in the determination of the budget and the response affirmed that fact.

ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

The determination of the capital budget is the statutory responsibility of the Council. It is furthermore a decision which must be taken annually and which may not be delegated. The council remains accountable to its inhabitants in this regard.

It is the responsibility of the directors to prepare a draft capital budget, having regard to the Integrated Development Plan of the municipality, as well as the operational requirements relating to service delivery. It is the responsibility of the directors, as the expert officials of the municipality, to advise the council in this regard to enable the council to take an informed decision.

In view of the above, the decision of the council to disregard the technical advice and warning of the director may be deemed to be negligent, but the decision itself remains the prerogative and indeed statutory responsibility of the council.

The decision to disregard the advice and warning therefore does not in itself represent any misconception of role. It is, however, a fact that, whilst the council decision does not technically represent a

misconception of role, it must be accepted that the respondents, as responsible councillors and officials will not agree with the decision. This choice is accepted as representing a correct interpretation of role.

RESPONSE TO QUESTIONNAIRE

The response to the questionnaire indicated no misconception of role by either a councillor or official.

IMPACT OF DECISION ON SERVICE DELIVERY

The decision of the council was taken in conjunction with the determination of the annual budget and the project was granted a lower priority, when measured against the other proposed capital projects. The impact on service delivery is accordingly not relevant.

6.3.2 CASE TWO: DETERMINATION OF MICRO-ORGANISATIONAL STRUCTURE

This case was selected with the object of determining whether the councillors and the officials had a clear comprehension of their respective roles in the determination of the organisational structure of the municipality.

The decision forms part of the category of decisions that must be taken by the executive committee under delegated authority and is viewed as an innovative type of decision, because of the new organisational structure that was to be created as a result of it. It is, however, also based on past experience and could therefore be associated with the heuristic decision-making model.

ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

The determination of the organisational structure is the responsibility of the council. However, in view of the fact that the levels of posts are determined by the Bargaining Council, the placement of posts must be in conformity with the system adopted by the Bargaining Council. The expert official is in an informed position to draft the organisational structure to best meet the demands of the directorate and to place the posts in accordance with the Bargaining Council System. The council should therefore have either accepted the proposed structure, or have requested the director to replan the proposed organisational structure to meet the requirements of the council as well as those of the Bargaining Council. The decision as adopted was, however, purely based on financial considerations and therefore represented a misconception of role.

RESPONSE TO QUESTIONNAIRE

The response of one councillor indicated a misconception of role. The response of all other councillors and all officials is interpreted as being correct.

IMPACT OF DECISION ON SERVICE DELIVERY

The difference in remuneration packages between a post-level three (divisional head) and a post-level four (senior manager) position, in addition to the basic salary, includes the provision of a transport allowance, currently valued at approximately R60 000.00 per annum.

The advertisement in respect of a post-level three position therefore targets a different market segment than would have been applicable in respect of the post-level four position. In practice, the post advertisement which excludes a transport allowance would not attract

a certain market segment and so potential expertise would be lost to council.

In this case the post was advertised at post-level four; a certain market segment responded and the best applicant was appointed.

In terms of the Bargaining Council system of job evaluations, the incumbent has the right to have the post that he/she occupies subjected to job evaluation by the Bargaining Council. The successful applicant, having occupied the post for some time, is aware that the post should be on post-level three and formally subjects the post to job evaluation.

The Bargaining Council determines that the post should be on a post-level three and the incumbent is duly promoted along with the post.

The impact the misconception of role has on the service delivery of the municipality is indicated by a potential situation in that, should the post have been advertised on the correct level, the response to the advertisement, and therefore also the successful applicant, would have been from a more advanced market segment.

6.3.3 CASE THREE: COUNCILLOR ACTING IN RESPONSE TO COMPLAINT LODGED BY A RATEPAYER

This case was selected with the object of determining whether the councillors and the officials had a clear comprehension of their respective roles in the service delivery function of the municipality. The decision forms part of the category of decisions which are taken by the officials in the day-to-day execution of their functions and which have been defined as operational decisions. It is viewed as a

routine type of decision and is associated with the heuristic decision-making model.

ANALYSIS OF SCENARIO TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

As pointed out by Cloete (1997: 83-85) in his definition of the way the councillor can contribute to the municipal administration, the councillor is the representative of the community and must be informed as to the needs and requirements of the community in order to be in a position to bring these to the attention of and to debate the issue at the council meeting.

The council has, however, determined its organisational structure to best meet the demands of and serve the needs of the community. In terms of its organisational structure, provision was made for a directorate to deal functionally with civil matters, including the maintenance of roads. A complaint-handling procedure has been put in place in order to deal effectively with complaints received from the community, which procedure included a control mechanism.

The nature of the complaint received by the councillor was that of a normal maintenance nature and was the functional responsibility of the Director: Civil Services. The complaint should have been referred to him/her for appropriate attention. The control mechanism built into the complaints handling procedure had been put in place to ensure that all complaints received proper and timeous attention.

The advice given to the councillor by the chief executive officer, that the complaint be referred to the Director: Civil Services for appropriate attention is therefore the correct manner to deal with the

complaint. The action of the councillor to insist that the matter be referred to council accordingly represented a misconception of role.

RESPONSE TO QUESTIONNAIRE

The response of two councillors represents a 16.67% misconception of role. The response of all other councillors and all officials is interpreted as being correct.

IMPACT OF DECISION ON SERVICE DELIVERY

The fact that the complaint was not dealt with in terms of the determined complaint-handling procedure, but referred to the council for consideration, and the fact that the council in effect has no alternative course of action but to refer the complaint to the director concerned for his appropriate attention, effectively delayed the physical repairs to the road surface.

6.3.4 CASE FOUR: COUNCILLOR ACTING IN RESPONSE TO A COMPLAINT LODGED BY A RATEPAYER AGAINST MEMBER OF THE STAFF

This case was selected with the object of determining whether the councillors and the officials had a clear comprehension of the role of the councillor in dealing with a complaint lodged against a member of the staff.

As the decision is that of an individual councillor, it does not form part of the categories of decisions identified in this study. The decision by the chief executive director to act on the complaint lodged by the councillor forms part of the decisions which must be taken in the day-to-day execution of his responsibilities and has been defined as an operational decision. The decision by the councillor is viewed as an

innovative type of decision, due to the fact that the councillor deviated from the accepted procedure.

ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

It is the duty of the councillor to timeously bring the complaint to the attention of the chief executive officer to enable the chief executive director to have the matter timeously investigated in the proper manner.

In this case the chief executive director referred the complaint to the director concerned for urgent investigation and report. The director subsequently informed the chief executive director that the staff member concerned had the use of a municipal vehicle between his place of work and his dwelling as he/she had to carry out nightly inspections of electricity sub-stations. He/she further reported that the staff member concerned had to record the time of inspections as well as the findings on a daily basis and that these reports were submitted to his superior. These reports corresponded with the information recorded by the complainant.

It is not the responsibility of the councillor to investigate any complaint against a staff member. The councillor is not part of the supervisory staff structure of the municipality and has no authority over any member of the staff. It is the duty of the councillor to bring any complaint to the attention of the chief executive officer or the director concerned timeously.

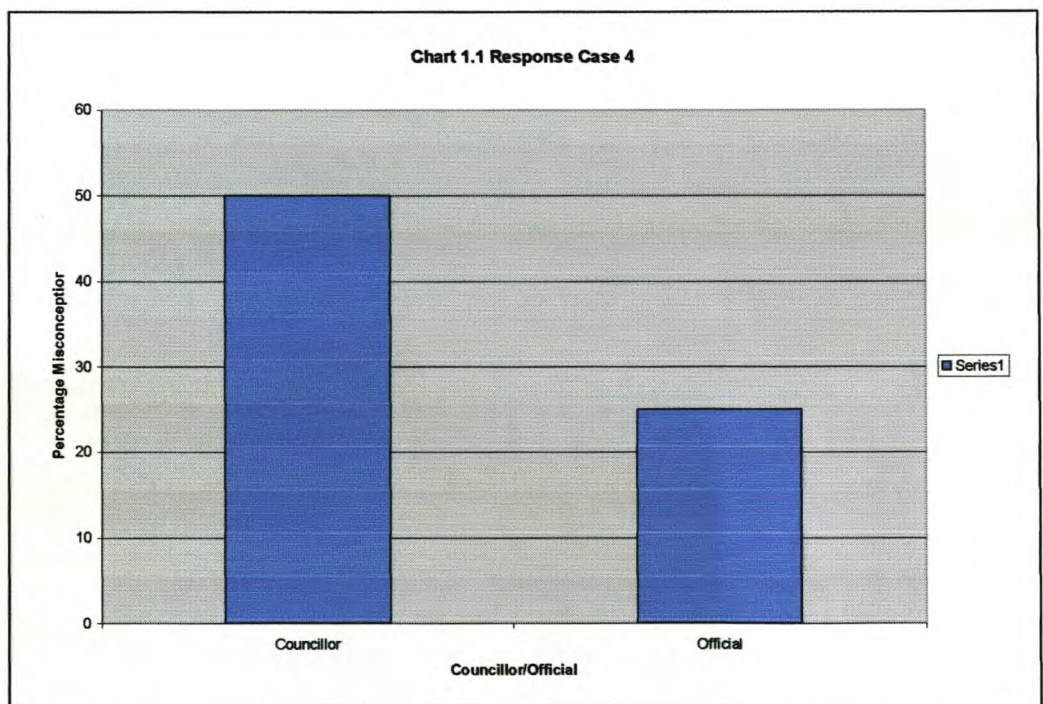
The action of the councillor to personally investigate the complaint may also be considered as a contravention of section 6 of the Code of Conduct for Councillors as published under Schedule 7 of the **Local**

Government Transition Act, 1993. The action of the councillor to personally investigate the complaint therefore represents a definite misconception of role.

RESPONSE TO QUESTIONNAIRE

The response of six councillors and three officials indicated a misconception of role. The response is indicative of a 50% degree of misconception on the part of the councillors and 25% on the part of the officials and is graphically illustrated in **Chart 1.1** below.

CHART 1.1: RESPONSE TO CASE 4



IMPACT OF DECISION ON SERVICE DELIVERY

The action of the councillor in personally investigating a complaint against a staff member, particularly in conjunction with a neighbour of the staff member concerned, would become a matter of public knowledge within a short period of time.

The fact that the *bona fides* of the staff member were established would not totally eradicate the degree of suspicion against members of the staff in general and specifically in respect of the staff member concerned. The staff member would be aware of the complaint and of the manner in which it was dealt with by the councillor. It is accepted that, although the misconception of role may not have a direct negative impact on service delivery, it is human nature to reward this type of treatment in one or other manner which, in this instance, would not be improved service delivery to the councillor concerned. The councillor, on the other hand, would indeed have lost face, both as far as his relationship with the staff is concerned as well as with the ratepayer who lodged the complaint.

6.3.5 CASE FIVE: DEALING WITH A CAUCUS POSITION IN THE COUNCIL CHAMBER

This case was selected with the object of determining whether the councillors and the officials had a clear comprehension of their respective roles during the decision-making process in the council chamber, in view of the influence of the party caucuses on the decision-making process of the municipality. Whilst the decision by the official forms part of his functional responsibilities and is therefore regarded as an operational decision, the decision by the councillor is that of an individual and can therefore not be categorised in terms of the identified categories. The decision by the councillor can be viewed as a routine type of decision as it represented an established pattern of behaviour, sanctioned by habit and employing the values of the caucus and would be associated with that of the “satisficing” model of decision-making. The decision of the official would be associated with the mixed scanning model of decision-making in the comprehensive

category, because the reason for his input would be based on his expert knowledge.

ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

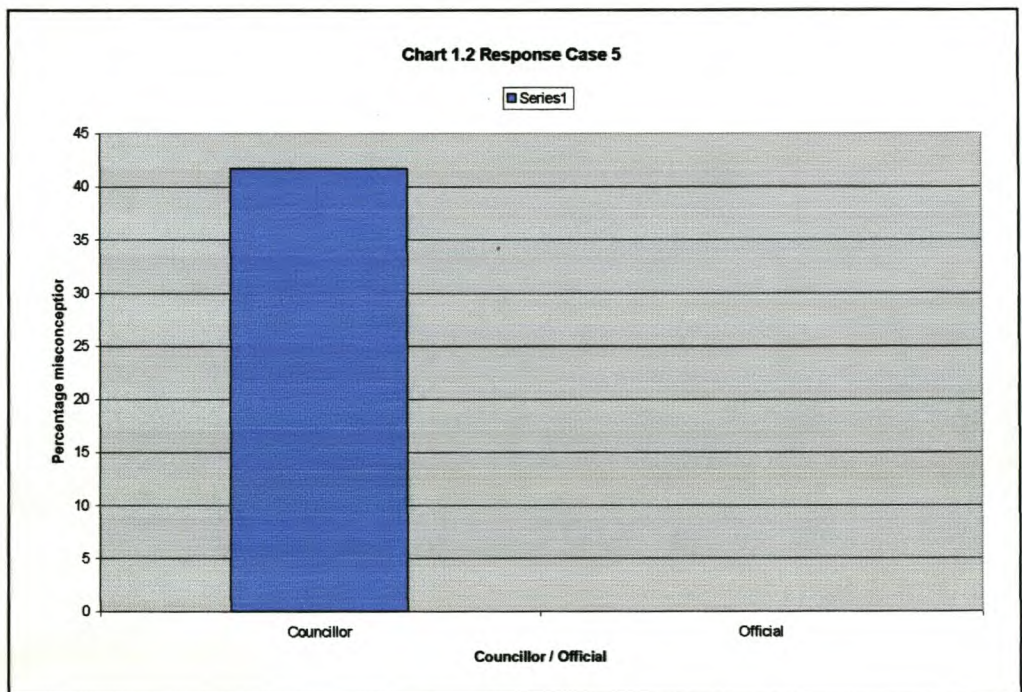
There is a legal obligation on the council as well as on each councillor to apply his/her mind to the facts placed before him/her. During the discussion of the matter at the caucus meeting, the written report of the expert official was available and the caucus position was derived after the matter had been properly debated. It can therefore at this stage of the decision-making process be accepted that the members of the caucus came to a decision after having applied their minds. However, in the instance of new facts being introduced at or during the formal meeting of council, it is necessary for each councillor to take these new facts into consideration. Failing to do so is indicative of the fact that the councillors, and therefore the council, have failed to apply their minds and the resultant decision may accordingly be taken on review. The decision of the councillor to stand by the caucus position notwithstanding being convinced that the position should be changed due to the new information presented by the expert official, therefore represents a misconception of role.

There is an obligation on the expert official to inform the council of all relevant facts to enable the council to take an informed decision. The expert official is accordingly obliged to inform the council of any new facts that have come to his attention and which may have an influence on the decision of the council. Failure to do so, notwithstanding the embargo placed on the officials by the ruling caucus, will represent a misconception of role and must be regarded as an act of negligence.

RESPONSE TO QUESTIONNAIRE

The response of five councillors and no officials indicated a misconception of role. The response is indicative of a 41.67% degree of misconception on the part of the councillor and is graphically illustrated in **Chart 1.2** below.

CHART 1.2: RESPONSE TO CASE 5



IMPACT OF DECISION ON SERVICE DELIVERY

Both in the instance of the councillor and the official deciding not to react during the council meeting, in view of the caucus position, with the object of taking the matter up at a later stage in time, as well as in the instance where a proposal is put for consideration of the matter to be deferred, the impact on service delivery will be negative. This conclusion is based on the fact that the decision has as its object improved service delivery and any referred consideration, or decision not being acted upon as a result of an intention to review, will delay

the intended improved service delivery and therefore impact negatively on service delivery as a whole.

6.3.6 CASE SIX: THE MAYOR TAKING A DECISION ON BEHALF OF THE COUNCIL

This case was selected with the object of determining whether the councillors and the officials had a clear comprehension of their respective roles in the management function of the municipality.

The decision by the chief executive director to allow the mayor to accompany him/her to the meeting forms part of the category of decisions defined as operational decisions, and can be viewed as a routine type of decision. The decision would be associated with that of the “satisficing” model of decision-making.

ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE QUESTION TO COUNCILLOR

It is in the first instance necessary to recognise that the executive powers of a mayor, appointed in accordance with section 48 of the **Municipal Ordinance**1974, are restricted to his/her responsibilities as chairman of the council during council meetings as provided for in the Standard By-Law Relating to the Procedure and the Maintenance of Order at Meetings. The only other executive powers of a mayor relate to the calling of a special meeting of the council in terms of section 51(3) of the **Municipal Ordinance**1974, as well as the suspension of an employee pursuant to the provisions of section 68 of the **Municipal Ordinance**1974.

The chief executive officer is, however, the chief administrative and executive officer of the council and responsible for the liaison between the council and the staff. The chief executive officer is responsible to the council in respect of the performance of the staff of the municipality and is accordingly the appropriate official, either personally or through an official appointed by him/her for the purpose, to deal with any protest action lodged by the staff.

The mayor, however, has no executive powers relevant to the case. As the chairman of the council he/she should be aware of the fact that, albeit the fact that he/she has no executive powers to act in the matter on behalf of the council, the staff concerned would in the first instance not be aware of that fact and, furthermore, be inclined to target the mayor as being the highest possible level representative the council could have.

The action of the Mayor in not accepting the professional advice of the chief executive officer, that is not to accompany the chief executive officer and his human resource specialist to the meeting with the strike organisers, in fact therefore represents a misconception of role.

The action of the Mayor to insist on accompanying the chief executive director to the meeting may also be considered as a contravention of section 6 of the Code of Conduct for Councillors as published under Schedule 7 of the **Local Government Transition Act, 1993**.

QUESTION TO OFFICIAL

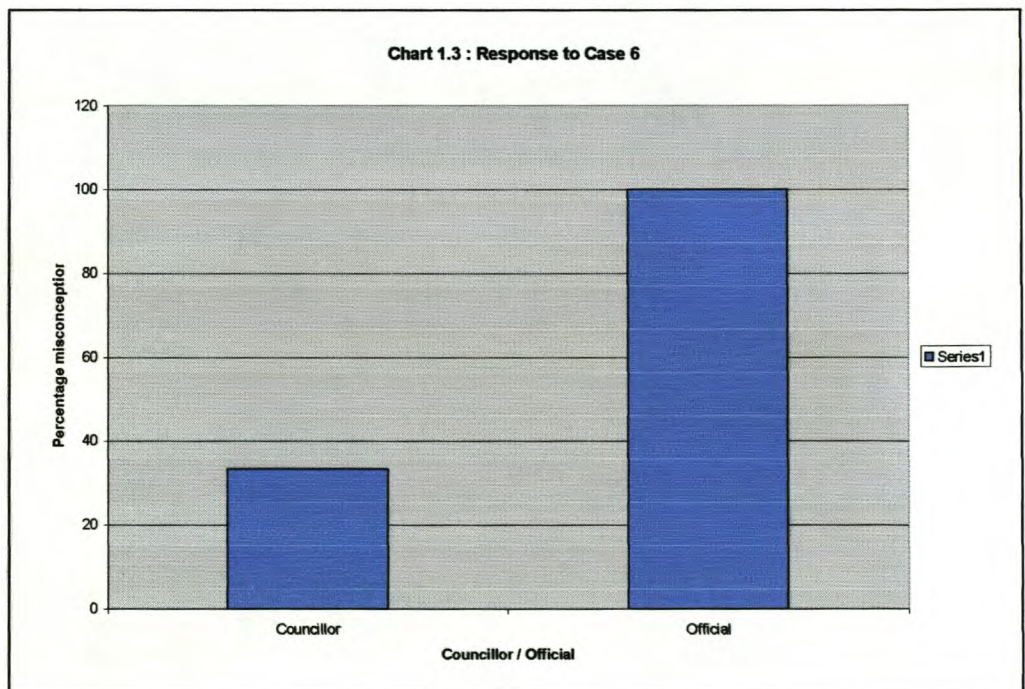
The action of the chief executive officer to allow the mayor to accompany him/her to the meeting cannot be regarded as being representative of a misconception of role, in view of the fact that

he/she has explained the reason for his objection to the mayor and that the mayor accordingly has to take responsibility for his actions in not accepting the professional advice of the chief executive officer. The fact that the mayor insisted can be regarded as an instruction to the chief executive officer, notwithstanding the fact that the mayor has no authority to issue any such instruction.

RESPONSE TO QUESTIONNAIRE

The response of four councillors and twelve officials indicated a misconception of role. The response is indicative of a 33.33% degree of misconception on the part of councillors and 100% on the part of officials and is graphically illustrated in **Chart 1.3** below

CHART 1.3: RESPONSE TO CASE 6



IMPACT OF DECISION ON SERVICE DELIVERY

The strike organisers are aware of the fact that the chief executive officer is not in a position to take decisions on behalf of the council.

They are furthermore aware of the fact that it is the responsibility of the chief executive officer to deal with the strike action in such a way as to restart service delivery as soon as possible.

The executive powers of the mayor are, however, not known to the strike organisers and it is accepted that more pressure would be placed on the mayor by the strike organisers than what would have been applied in the instance of the chief executive officer. The strike action would accordingly be extended until the mayor conceded to meet the demands. However, in the instance of the chief executive officer, the strike organisers would normally accept an undertaking by the chief executive officer to place the matter as an urgent matter on the council agenda, and terminate the strike action.

It is further accepted that the regard the strike organisers may have had of the profile of the chief executive officer as the chief official of the council would be damaged by the intervention of the mayor. This factor may have a further negative impact on future incidents where the authority of the chief executive officer is relevant. The impact this damage to the authority of the chief executive officer may have on service delivery cannot be measured without analysing a physical event. It is, however, accepted that such damage will not have a positive impact on service delivery.

6.3.7 CASE SEVEN: THE CHIEF EXECUTIVE OFFICER TAKING A DECISION ON BEHALF OF THE COUNCIL

This case was selected with the object of determining whether the councillors and the officials had a clear comprehension of the role of the chief executive director as the chief executive officer of the municipality. The decision forms part of the category operational

decisions of the official and is viewed as a routine type of decision. It would be associated with the mixed-scanning model of decision-making.

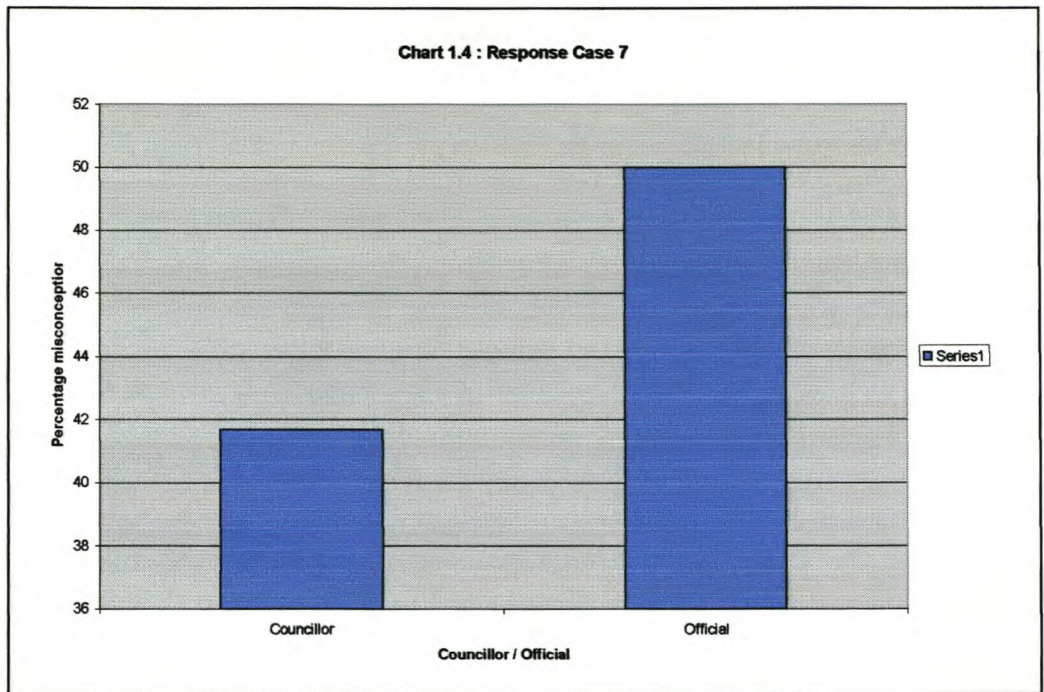
ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

The chief executive officer is the chief administrative and executive officer of the council and the liaison between the council and the staff. The chief executive officer is responsible to the council in respect of the performance of the staff of the municipality and is accordingly the appropriate official, either personally or through an official appointed by him/her for the purpose, to deal with any protest action lodged by the staff. The decision of the chief executive officer to meet with the strike organisers therefore does not to any degree represent a misconception of role

RESPONSE TO QUESTIONNAIRE

The response of five councillors and six officials indicated a misconception of role. The response is indicative of a 41.67% degree of misconception on the part of the councillors and 50% on the part of the officials and is graphically illustrated in **Chart 1.4** below.

CHART 1.4: RESPONSE TO CASE 7



IMPACT OF DECISION ON SERVICE DELIVERY

As the decision of the chief executive officer to meet with the strike organisers does not to any degree represent a misconception of role, the impact the decision may have had on service delivery is not relevant.

6.3.8 CASE EIGHT: CHAIRMAN OF FINANCE COMMITTEE DEALING WITH MASS PROTEST ACTION

This case has been selected for the same reason as **CASE SIX** and can be grouped with Case Six for the purpose of this study.

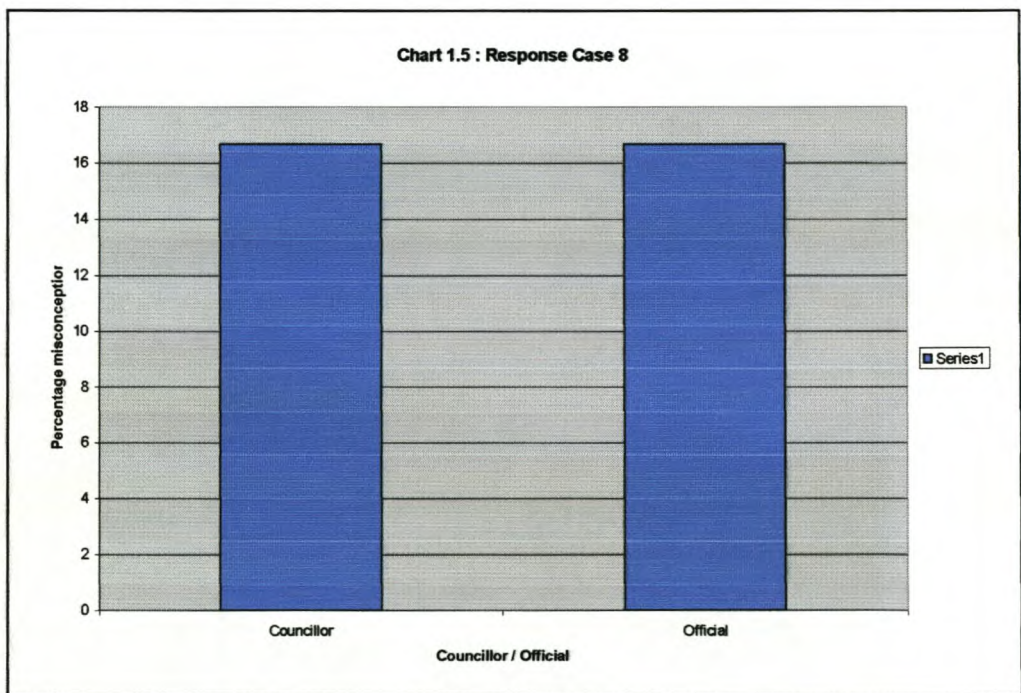
ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

The chairman of the Finance Committee has no executive authority to decide to have the services reconnected, even as an interim measure. His decision therefore represents a misconception of role.

RESPONSE TO QUESTIONNAIRE

The response of two councillors and two officials indicated a misconception of role. The response is indicative of a 16.67% degree of misconception on the part of both the councillors and the officials and is graphically illustrated as in **Chart 1.5** below.

CHART 1.5: RESPONSE TO CASE 8



IMPACT OF DECISION ON SERVICE DELIVERY

The debt-collection policy of the council has as its object the timeous payment of accounts rendered by the municipality in respect of services and property rates. Attention is directed to the fact that in terms of the provisions of section 10(G)(3)(b)(i) of the **Local Government Transition Act 1993**, a municipality shall not budget

for a year-end deficit on its operating account. The municipality is therefore dependent upon the timeous payment of the service accounts that it renders in order for a positive cash flow to be maintained. It is pointed out that the municipality requires a positive cash flow in order to meet its financial commitments.

Failure by the municipality to meet its financial commitments will undoubtedly impact negatively on service delivery as it will not be in a position to fund necessary service delivery.

6.3.9 CASE NINE: DIRECTOR: FINANCIAL SERVICES DEALING WITH MASS PROTEST ACTION

This case has been selected for the same object as **CASE SEVEN** and can be grouped with Case Seven for the purpose of this study.

ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

The Director: Financial Services is the chief financial officer of the council and is responsible for the effective implementation of the council's debt-collection policy. He/she is from time to time required to take decisions such as to authorise the reconnection of services where circumstances may deem it necessary, even though such reconnection may technically be regarded as a deviation from the formal policy. A practical example of such a decision may be the reconnection of electricity supply to safeguard a human life, where a life support system is in use and disconnection may have fatal consequences. A further and more common example is the decision to reconnect the service where the financial director is satisfied with an undertaking that the outstanding amount will be settled as soon as it is practically possible to do so, i.e. the following morning when the cash

office is in a position to receive the payment. The Director: Financial Services, however, remains personally accountable to the council and his discretion is exercised with that fact in mind.

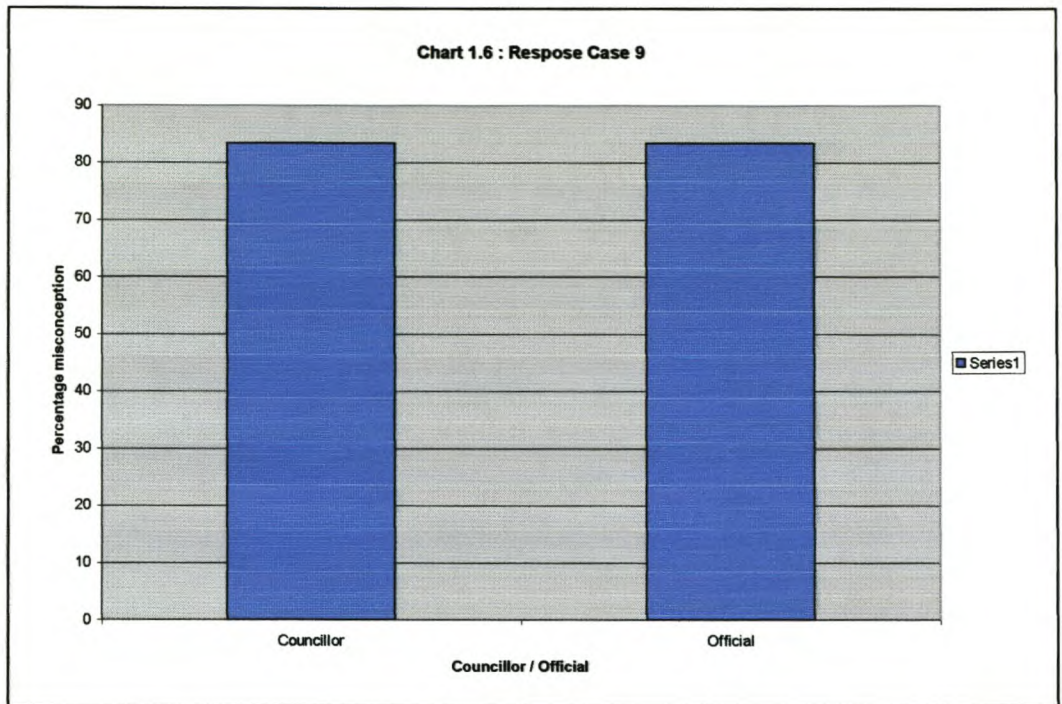
It is also necessary to take into consideration the fact that the debt-collection policy is a general control measure and that its implementation must be subject to specific circumstances, as outlined in the above two examples. The Director: Financial Services must, in exercising his discretion, also have regard to circumstances relevant to his wider function, such as to take steps to eliminate circumstances which prevent the other residents from visiting the cash offices to pay their accounts.

The decision by the Director: Financial Services to authorise the reconnection of the services concerned as an interim measure, subject to a formal subsequent meeting being held in order for the matter to be resolved in a proper manner, therefore does not represent a misconception of role, particularly as he/she is the executive officer responsible for the implementation of the policy as well as being in a position to immediately issue an order directing that the services be terminated in the event of the matter not being resolved timeously and thereby returning to the *status quo*.

RESPONSE TO QUESTIONNAIRE

The response of ten councillors and ten officials indicated a misconception of role. The response is indicative of an 83.34% degree of misconception on the part of both councillors and officials and is graphically illustrated as in **Chart 1.6** below.

CHART 1.6: RESPONSE TO CASE 9



IMPACT OF DECISION ON SERVICE DELIVERY

The decision of the Director: Financial Services had as its object the creation of circumstances in which the matter could be resolved in a peaceful manner. The occupation of the financial offices by a mob of protesters effectively prevents other residents from entering the premises to pay their accounts. It was therefore in the interests of the municipality to remove this obstacle. In view of the above it can be concluded that the decision concerned did not impact negatively on service delivery.

6.3.10 CASE TEN: INTERFERENCE IN ADMINISTRATION

This case has been selected with the object of determining whether the councillors and the officials had a clear comprehension of the role of

the councillor in the service delivery function of the municipality. The case can therefore be grouped with **CASE 3**.

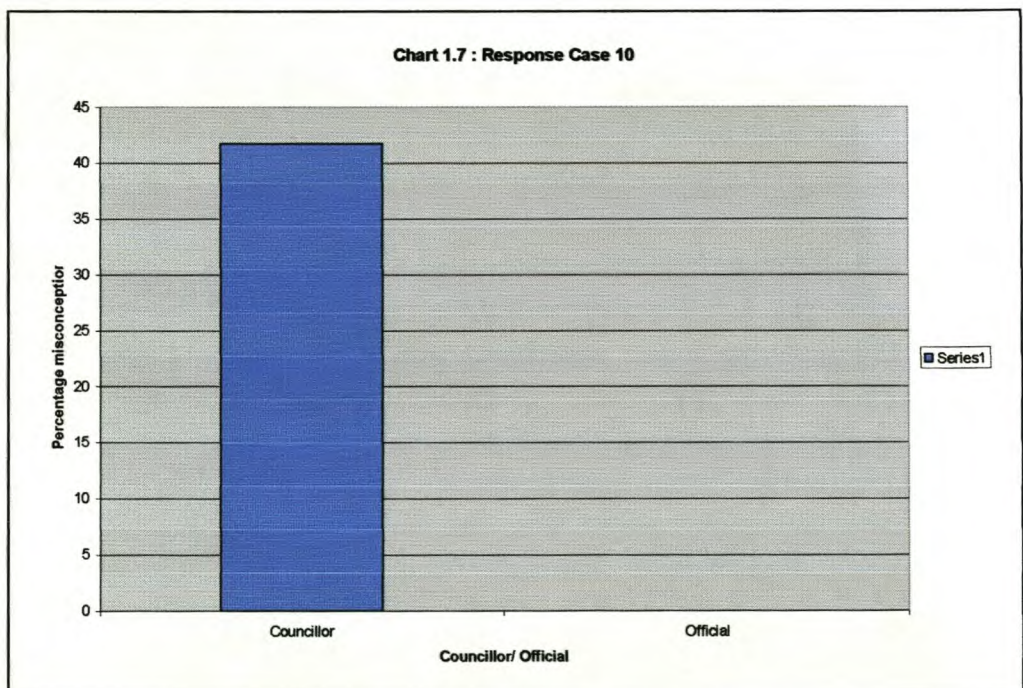
ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

The councillor has no authority or discretion to interfere in the administration of the municipality and his actions could be regarded as a contravention of section 6 of the Code of Conduct for Councillors as published under Schedule 7 of the **Local Government Transition Act, 1993**.

RESPONSE TO QUESTIONNAIRE

The response of five councillors and no officials represents a misconception of role. The response is indicative of a 41.67% degree of misconception on the part of the councillor and is graphically illustrated in **Chart 1.7** below.

CHART 1.7: RESPONSE TO CASE 10



IMPACT OF DECISION ON SERVICE DELIVERY

Should the director act on the instruction of the councillor and issue an instruction that the construction work be stopped, such stoppage will delay the development of the park and must therefore impact negatively on service delivery.

6.3.11 CASE ELEVEN: ATTENDANCE OF COMMITTEE MEETINGS BY OFFICIALS

This case has been selected with the object of determining, on the one hand, whether the councillor had a clear comprehension of the role of the official and, on the other, whether the official had a clear comprehension of role of the councillor in the decision-making process of the municipality. This case can be grouped with **CASES 3 and 10**.

ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

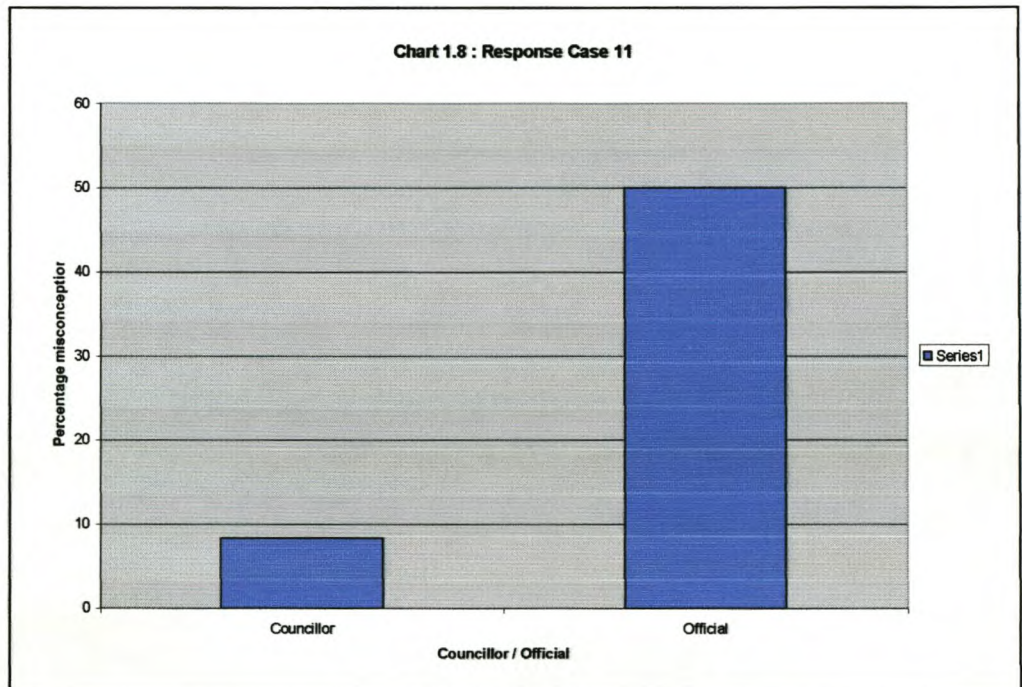
In the event of the response by the councillor being negative, i.e. that he/she does not agree with the reply given by the director, the response would imply a misconception of role on the part of the councillor.

In the event of the response of the official being negative, i.e. that the councillor does not have the right to query the attendance of the meeting by the officials, such response would imply a misconception of the role on the part of the official, as the councillor has the right to ask the question concerned as well as the right to be given an explanatory answer in that regard.

RESPONSE TO QUESTIONNAIRE

The response of one councillor and six officials represents a misconception of role. The response is indicative of an 8.33% degree of misconception on the part of the councillor and 50% on the part of the officials and is graphically illustrated in **Chart 1.8** below

CHART 1.8: RESPONSE TO CASE 11



IMPACT OF DECISION ON SERVICE DELIVERY

In the event of the answer to the query not being accepted by the councillor and the director being instructed to reduce the number of officials attending the meeting, service delivery can be negatively influenced in the following cases:

- Where consideration of matters is deferred in order to obtain more information from expert officials who have been prevented from attending the meeting;
- Where decisions are taken which would have been better informed had the expert officials concerned attended the meeting.

6.3.12 CASE TWELVE: INSTALLATION OF TRAFFIC CALMING MEASURES

This case has been selected with the object of determining whether the councillors and the officials had a clear comprehension of their respective roles in the decision-making process of the municipality. This case can be grouped with **CASES 3, 10 and 11**.

ANALYSIS OF CASE TO DETERMINE WHETHER DECISION REPRESENTS MISCONCEPTION OF ROLE

The decision to install traffic calming measures represents the determination of policy as well as, to a certain degree, the nature of the traffic calming measures and the general area of application.

The implementation of the policy is, however, an administrative matter and is subject to technical specifications which must be applied by expert officials.

The suggestion by the director must be accepted as an endeavour on the part of the expert official to meet the political demand to decide where the speed-bumps are to be located, whilst at the same time complying with the relevant technical specifications.

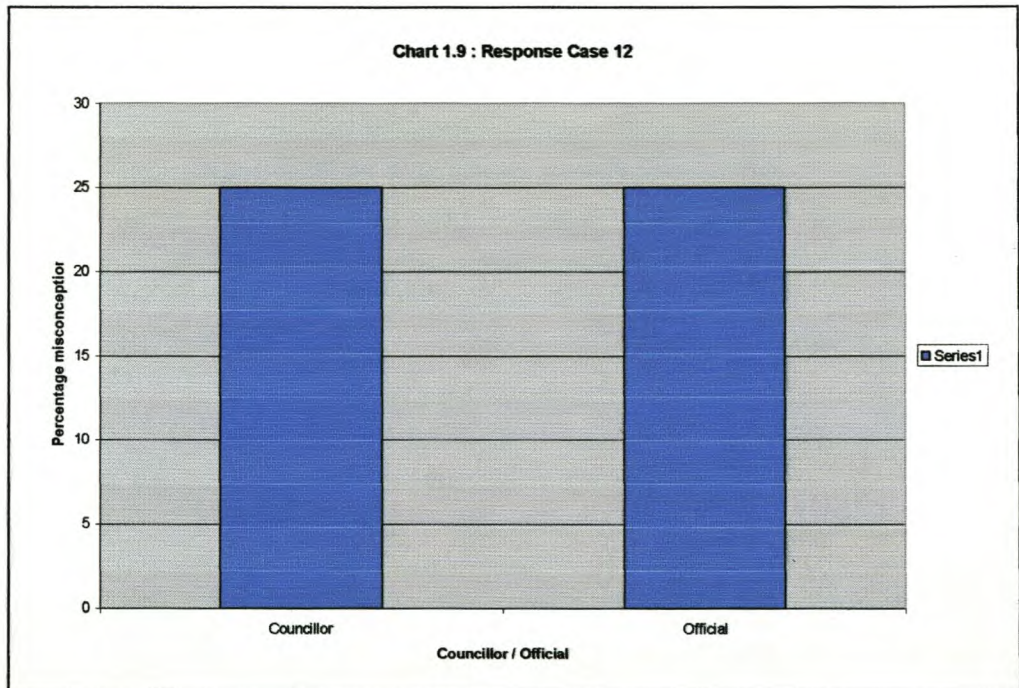
The decision therefore represents a misconception of role on the part of the councillor.

RESPONSE TO QUESTIONNAIRE

The response of three councillors and three officials represents a misconception of role. The response is indicative of a 25% degree of

misconception on the part of both councillors and officials and is graphically illustrated in **Chart 1.9** below.

CHART 1.9: RESPONSE TO CASE 12



IMPACT OF DECISION ON SERVICE DELIVERY

The director remains responsible for the implementation of determined policy and is therefore obliged to refuse to install any measure that does not meet the technical requirements and specifications that may be applicable.

In such instances the matter would need to be referred back to the councillor for reconsideration and it is accepted that such referral would go hand in hand with a full technical explanation. This would be time consuming and frustrating and may have a negative impact on the relationship between the councillor and the responsible expert official. In view of the fact that the referral itself would cause a delay

in the installation of the speed-bump, service delivery would be negatively effected.

6.4 RESPONSES TO QUESTIONNAIRE

The responses to the questionnaire are set out in **TABLE 1.1** below. Please note that reference to “*wrong*” indicates a response that has been identified as representing a misconception, whilst reference to “*correct*” indicates a response which has been identified as representing a correct interpretation of role.

TABLE 1.1: RESPONSE TO QUESTIONNAIRE

QUESTION NO.	RESPONSE			
	COUNCILLOR		OFFICIAL	
	WRONG	CORRECT	WRONG	CORRECT
1	0	12	0	12
2	1	11	0	12
3	2	10	0	12
4	6	6	3	9
5	5	7	0	12
6	4	8	12	0
7	5	7	6	6
8	2	10	2	10
9	10	2	10	2
10	5	7	0	12
11	1	11	6	6
12	3	9	3	9
TOTAL	44	100	42	102
%	30.56%	69.44%	29.16%	70.84%

6.4.1 Analysis of response to questionnaire

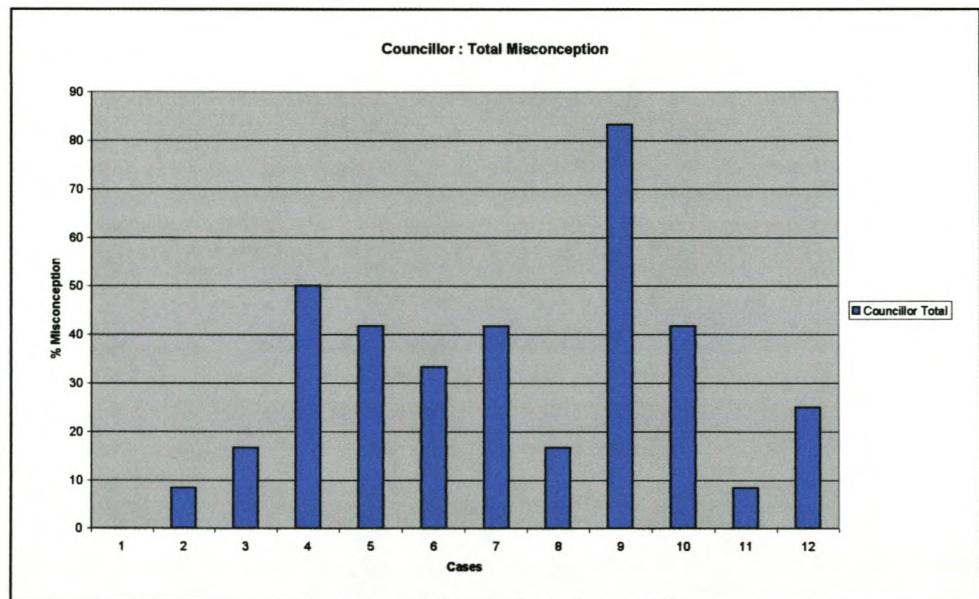
An analysis of the response by the councillors to the questionnaire is set out in **ANNEXURE 3** and the response by the officials in **ANNEXURE 4**.

The analysis indicates the following:

Councillors:

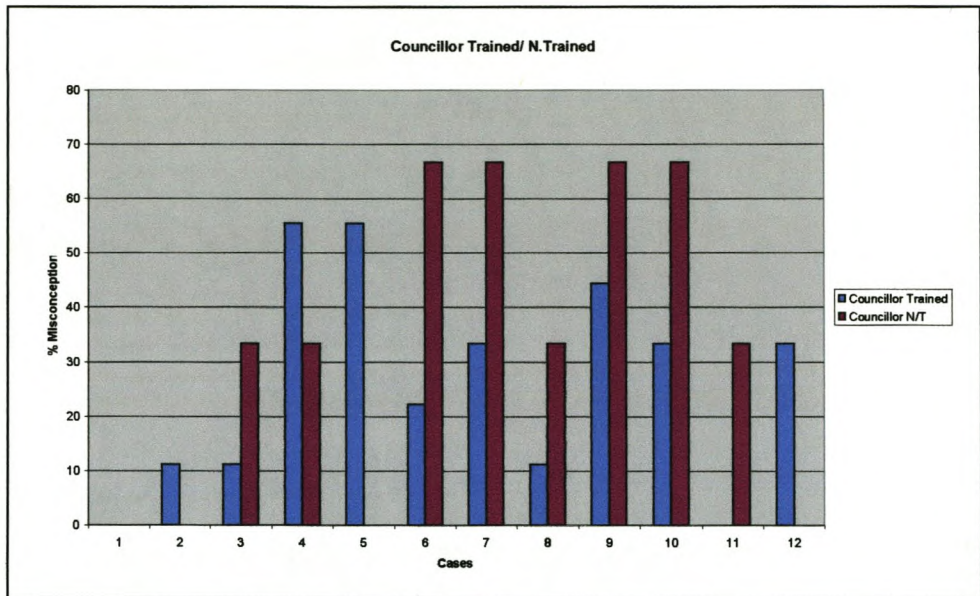
- **Degree of misconception:** A **30.56%** degree of misconception is indicated, based on the response of all councillors. The response is graphically illustrated in **Chart 1.10** below.

CHART 1.10: DEGREE OF MISCONCEPTION: COUNCILLORS



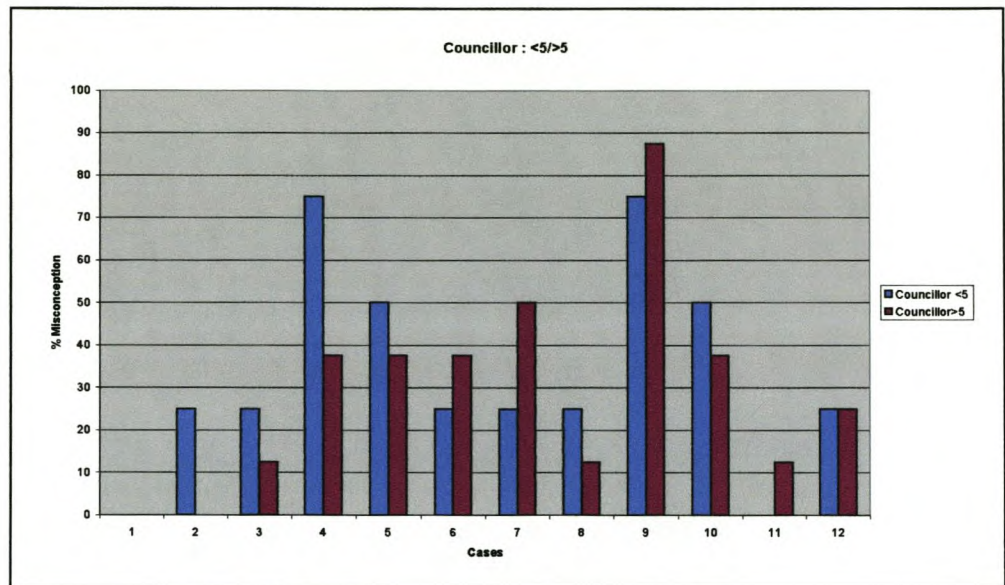
- **Impact of formal training:** A **33.33%** degree of misconception is indicated in respect of councillors who did not receive formal training, against a **29.63%** degree of misconception in respect of councillors who did receive formal training. The response is graphically illustrated in **Chart 1.11** below.

CHART 1.11: COUNCILLORS: NOT TRAINED/TRAINED



- **Impact of experience:** A **33.33%** degree of misconception is indicated in respect of councillors with less than five years experience, against a **29.17%** degree of misconception in respect of councillors with more than five years experience. The response is graphically illustrated in **Chart 1.12** below.

CHART 1.12: COUNCILLORS' EXPERIENCE: <5YRS/>5YRS

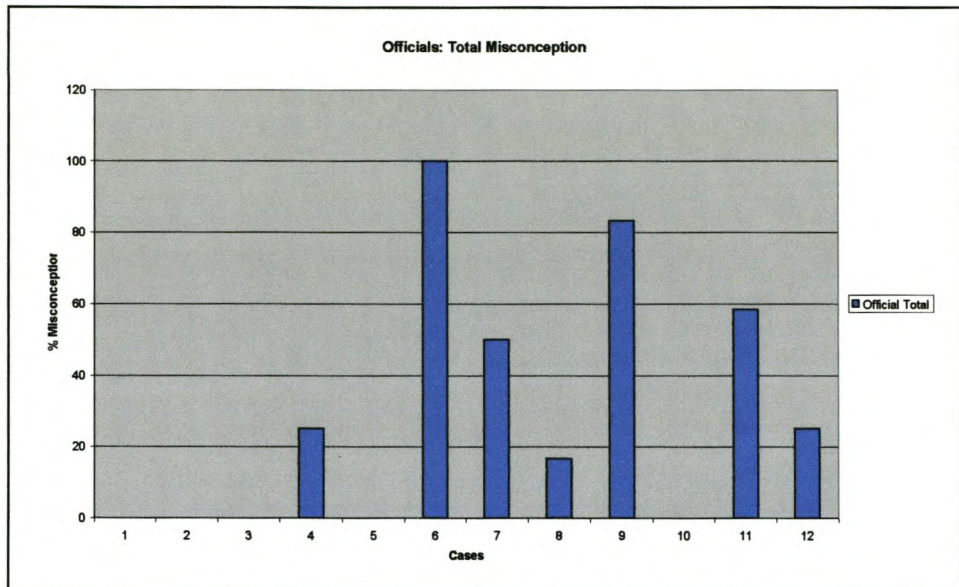


- **Experience versus formal training:** A 33.33% degree of misconception is indicated in respect of councillors who have less than five years experience but have been formally trained, against a 33.33% degree of misconception in respect of councillors who have more than five years experience, but have not received formal training.

Officials:

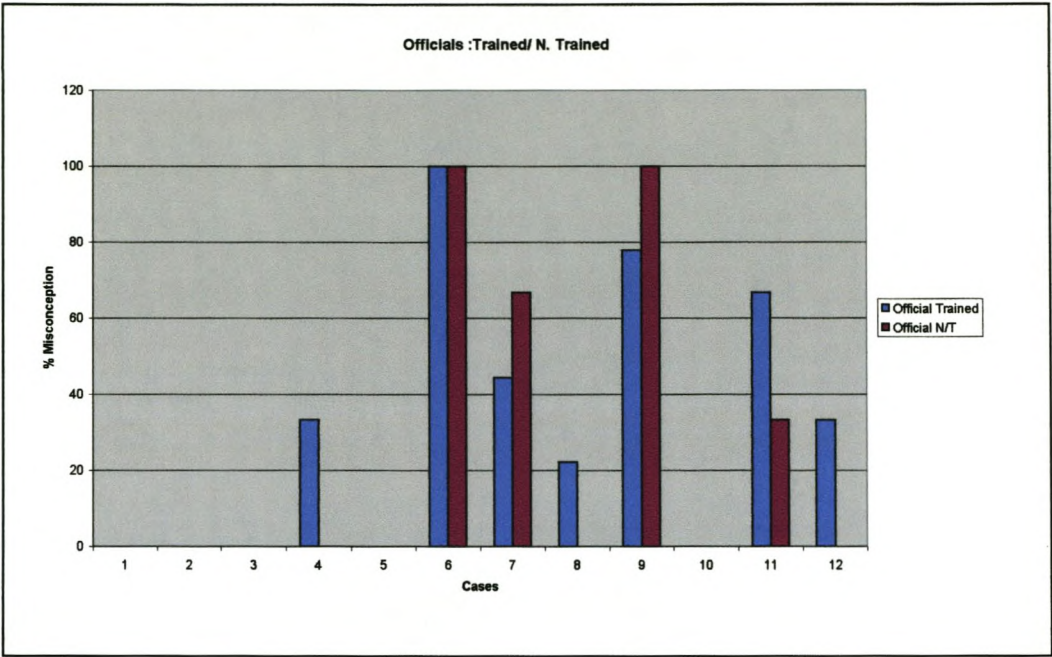
- **Degree of misconception:** A 29.17% degree of misconception is indicated, based on the response of all officials. The response is graphically illustrated in **Chart 1.13** below.

CHART 1.13: DEGREE OF MISCONCEPTION: OFFICIALS



- **Impact of formal training in public management:** A 25% degree of misconception is indicated in respect of officials without formal training, against a 31.48% degree of misconception in respect of officials with formal training. The response is graphically illustrated in **Chart 1.14** below.

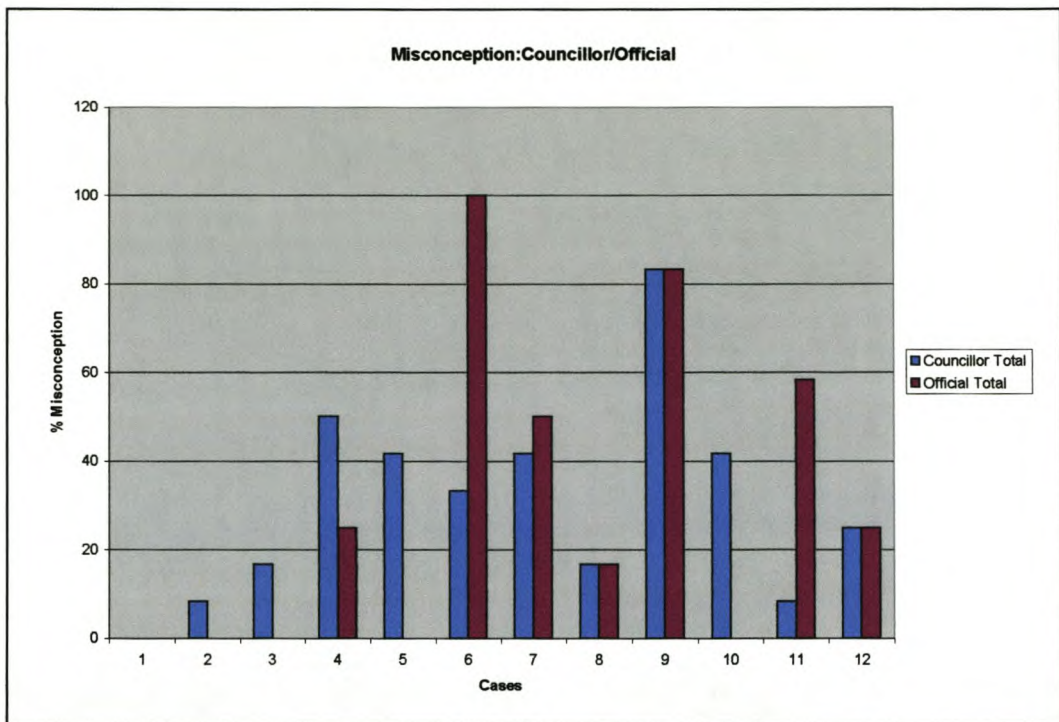
CHART 1.14: OFFICIALS: NOT TRAINED/TRAINED



Comparing the degree of misconception: Councillors/Officials

A comparison between the degree of misconception presented by the councillors against that presented by the officials is graphically illustrated in **Chart 1.15** below.

CHART 1.15: DEGREE OF MISCONCEPTION: COUNCILLORS/OFFICIALS



6.5 CONCLUSION

The research methodology that was applied to determine whether any degree of misconception in the role of councillor or official in the decision-making process in fact exists accommodated one hundred percent of both the top structure of the council, on the one hand, and one hundred percent of the top management structure of the municipality, on the other. The cases used in the questionnaire, although hypothetical, represent situations which are common to local government and most respondents, if not all, have on occasion been exposed to similar situations.

It is in view of the above it is accepted that the responses are generally a true reflection of the decisions that would have been taken in practice.

The response indicates that a degree of misconception in excess of **30%** does exist, and the negative impact that such misconception could have on the service delivery of the municipality has been discussed in respect of each hypothetical case.

The conclusions that can be drawn from the results of the analysis, as well as recommendations that have as its object the reduction of the level of misconception which presently exist, are discussed in the following chapter.

CHAPTER 7

CONCLUSIONS AND RECOMMENDATIONS

7.1 INTRODUCTION

It has been established that a 30.56% degree of misconception of role in decision-making exists in respect of the top structure of the council, as well as 29.17% degree of misconception in respect of the top management structure of the municipality.

The possible causes for the degree of misconception of the respective roles will be discussed in the following paragraphs, as well as recommendations with the object of reducing the incidence of misconception that currently prevails.

7.2 CONCLUSIONS AND RECOMMENDATIONS

7.2.1 Demographic profile of respondents

For the purposes of this study it was accepted that all councillor respondents, on the one hand, and official respondents, on the other, had the same or a similar demographic profile. It is, however, accepted that the interpretation of the results, as well as the conclusions to be deduced, may be different in the event of the individual demographic profiles having been taken into consideration. This consideration is, however, outside of the scope of this study and in fact invites a dedicated in-depth study of its own.

7.2.2 Category of cases

As indicated above it has been established that an approximate 30% degree of misconception of the role in decision-making exists in both the top structure of the council and in respect of the top management structure of the municipality.

It was not deemed viable to base conclusions and recommendations on any of the correlations which might have been indicated by the charts 1.11, 1.12 and 1.14, in view of the relatively restricted extent of both study groups.

It is, however, possible to identify the category of cases where the highest degree of misconception exists and to make recommendations in that regard.

Misconceptions in excess of 40% were indicated in respect of cases 4, 5, 7, 9 and 10.

These cases are categorised as follows:

Misconception indicated by councillors:

Misconception of role as councillor - Cases 4, 5 and 10.

Misconception of role of official – Cases 7 and 9.

Misconception indicated by officials:

Misconceptions in excess of 40% were indicated in respect of cases 6, 7, 9 and 11. These cases are all categorised as misconception of the role of the official and it is interesting to note that 35 of the “wrong” answers were in respect of these four cases. This represents 81% of the total number of wrong answers.

The highest degree of misconception, 83.33%, was indicated in respect of Case 9, a case which highlights the role of an official as an executive officer of the municipality. It is interesting to note that the response of the officials in respect of this case was identical to that of the councillors.

7.2.3 Impact of misconception on service delivery

The negative impact misconception of role has on the service delivery of the municipality was discussed in Chapter 6, paragraphs 6.3.1 to 6.3.12.

The fact that approximately 30% of the responses indicated misconception of role, is therefore also indicative that service delivery is negatively affected, particularly in those cases where misconception leads to a delay in decision making.

7.2.4 Recommendations

An analysis of the cases referred to above where the incidence of misconception of role exceeds 40%, is indicative of the fact that the degree of misconception would have been greatly reduced should the respondents have been enlightened *vis-à-vis* their respective roles. In view of this, as well as the fact that the position of councillor as an elected representative is not subject to any academic or related qualifications, it is recommended that all councillors be provided with formal training and for such training to be focussed on the issues which have a direct influence on misconception in the role of the councillor. The training curriculum should preferably grant particular attention to defining the role of the councillor in the decision-making process of the municipality and the impact on service delivery misconception of role may have. The training curriculum should also include an explanation of the role of the official in the

decision-making process of the municipality, with particular reference to the official's role in policy making as well as his/her executive function.

It is recommended that all officials forming part of the top management structure of the municipality be subjected to an in-depth training session with the dedicated purpose of clarifying the role of the official in the decision-making process of the municipality. All new members of the management top structure should similarly be subjected to training in the above regard as soon as possible after assuming the management position concerned. It is further recommended that all members of the top management structure should be in possession of academic qualifications relevant to their function as managers, i.e. a post graduate qualification in public management such as a Hons.B. in Public Administration in respect of departmental heads, and a Master of Public Administration (MPA) in respect of executive directors and the chief executive officer.

This study has indicated that political party caucuses have an influence on the role of the individual councillor, as well as that of the official, in the decision-making process of the municipality. The political party caucuses are, however, not recognised in the formal decision-making process. In view of this it is recommended that it be made obligatory in terms of the statute for all municipalities to make appropriate provision in their Rules of Order for the accommodation of the political party caucuses as part of the decision-making processes of the municipality, with specific reference to the provision of a mechanism to accommodate a political party caucus input during the decision-making process in the council chamber. The object of this recommendation is to prevent the adoption of a resolution in the council chamber by a majority caucus, simply as a result of it being bound by its caucus position adopted prior to the council meeting, notwithstanding professional advice submitted during the council meeting by officials which would indicate that the caucus position be changed.

Council resolutions that are adopted in the circumstances described above can be taken on legal review as it could be argued that the council concerned did not apply its mind.

SOURCE LIST

Adlem, W L M & Du Pisanie, A. 1982. **Stedelike Politiek en Administrasie**. HAUM, Pretoria.

Ballard, HH. 1991. **The Feasibility of Traditional Decision-Making in a Large Local Authority within an Open System Environment**. Unpublished thesis, University of Stellenbosch.

Barlé, DG. 1994. **The Committee Systems of Local Authorities in the Cape Province with Particular Reference to the Practice in the Municipality of Somerset West**. Unpublished thesis, University of Stellenbosch.

Cape Province, **Municipal Ordinance, 1974** (Ordinance 20 of 1974)

Cape Province. **Standard By-Law Relating to the Procedure and the Maintenance of Order at Meetings**. Provincial Notice 411/1988.

Cloete, J J N. 1997. **South African Municipal Government and Administration**, J L Van Schaik Bpk, Pretoria.

Cloete, J J N. 1986. **Inleiding tot die Publieke Administrasie**. J L van Schaik Bpk, Pretoria.

Collins, E L T. 1989. **Essential English Dictionary**. William Collins Sons & Co Ltd, Glasgow.

Craythorne, D L. 1997. **Municipal Administration – A Handbook**. Juta & Company Limited, Pretoria.

Fox, W: Schwella, E & Wissink, H. 1991. **Public Management**. Juta & Company, Limited, Kenwyn.

Gildenhuis, J S H. 1997. **Restructuring Your Local Government – A Practical Guide**. J L Van Schaik Bpk, Pretoria.

Hanekom, S X. 1987. **Public Policy**. Macmillan South Africa (Publishers) (Pty) Ltd, Johannesburg.

Hanekom, SX & Thornhill, C. 1983. **Public Administration in Contemporary Society: A South African Perspective**. Macmillan, South Africa (Pty) Ltd. Johannesburg.

Hattingh, J J. 1986. **Owerheidsverhoudinge – 'n Inleiding**. Universiteit van Suid-Afrika, Pretoria.

Kirkpatrick, B. 1996. **The Concise Oxford Thesaurus**. BCA, London.

Meyer, J. 1978. **Local Government Law – Volume I - General Principles**. Butterworth & Company (SA) (Pty) Ltd, Durban.

Oostenberg Municipality. **Agendas and Minutes of Council and Committee Meetings of the Municipality of Oostenberg from June 1996 to May 2000**.

Oostenberg Municipality. **Delegations to Executive Committee**.

Oostenberg Municipality. **Delegations to Officials**.

Oostenberg Municipality. **Delegations to Standing Committees**.

South Africa(Republic), **Constitution of the Republic of South Africa, 1996** (Act 108 of 1996)

South Africa(Republic), **Local Government Transition Act, 1993** (Act 209 of 1993)

Robbins, S P. 1980. **The Administrative Process**. Prentice-Hall, Inc., Englewood Cliffs.

Schwella, E. & Van Rooyen, A. (Red).1985. **Plaaslike Regering: Uitdagings en Vooruitsigte**. Departement Staatsleer en Publieke Administrasie, Universiteit van Stellenbosch.

Starling, G. 1986. **Managing the Public Sector**. The Dorsey Press, Chicago, Illinois.

Van der Walddt, G & Knipe, A. 1998. **Project Management for Strategic Change and Upliftment**. International Thomson Publishing (South Africa) (Pty) Ltd., Halfway House.

Viljoen, A. 1991. **Die Stadsklerk**. Southern Boekgewers (Edms.) Bpk., Halfway House.

Wheare, K C. 1955. **Government by Committee**. Oxford University Press, London.

Wiechers, M. 1984. **Administratiefreg**. Butterworths, Durban

**COUNCILLOR
RAADSLID**

ANNEXURE 1

No.	Question to councillor/Vraag aan raadslid	Answer/Antwoord	
		Yes/Ja	No/Nee
1	Experience as councillor : In excess of five years Ondervinding as raadslid : Meer as vyf jaar		
2	Experience as councillor : In excess of ten years Ondervinding as raadslid : Meer as tien jaar		
3	Training : Have you received formal training as councillor Opleiding : Het u formele opleiding as raadslid ontvang		
4	Training : Would you have preferred to receive more training Opleiding : Sou u verkies het om meer opleiding te ontvang		
5	Comprehension : Do you believe that you fully understand what your role as councillor in the decision-making process of the municipality really entails Begrip : Glo u dat u heeltemal verstaan wat u rol in die besluitnemingsproses van die munisipaliteit werklik behels		
6	Comprehension : In retrospect, would you have preferred to be more informed in respect of your role as councillor in the decision-making process of the municipality Begrip : In retrospek, sou u verkies het om meer ingelig met betrekking tot u rol in die besluitnemingsproses van die munisipaliteit te gewees het		

CASE ONE : DETERMINATION OF THE CAPITAL BUDGET

The draft capital budget, having been prepared by the director financial services in conjunction with the heads of departments, is being considered by the Council at its special meeting convened for the purpose.

One of the projects, the provision of eight million rand to construct a 40 megawatt electricity sub-station in Brackenfell, is queried by the council and the director : electrotechnical and mechanical services is requested to elaborate on his motivation for the project. The director : electrotechnical and mechanical services informs the council that the normal demand for electricity in the area concerned has for some time reached and exceeds the maximum capacity of the transformers and presents a safety risk. The staff cannot perform any maintenance on the equipment unless the supply to Brackenfell be cut. He warns that should the electricity supply not be increased it will give rise to electricity failures. He further pointed out that he will in that instance be obliged, based on electrotechnical considerations, not to approve any future development until such time as an adequate electricity supply can be provided. He draws council's attention to the fact that he submitted a similar request the previous year which was dismissed by council but that situation had now reached a critical level which could not further be ignored. He drew Councils attention to the fact that even if Council approves the project it would already be too late as the manufacturing of new transformers take at

least one year. He appealed to council to grant the project the priority it deserves and to make the necessary provision on the capital budget.

Council, having noted the submission of the director : electrotechnical and mechanical services, removed the project from the capital budget as it was of the opinion that the other projects were of a higher priority.

QUESTION

Do you agree with the decision of the council to disregard the technical advice and warning of the director : electrotechnical and mechanical services, by removing the project from the draft capital budget without making any provision to address the crisis situation as anticipated by the director : electrotechnical and mechanical services.

YES

NO

CASE TWO : DETERMINATION OF MICRO ORGANISATIONAL STRUCTURE

Council, having determined its macro organisational structure and having appointed the directors in respect thereof, instructed each director to plan its departmental organisational structure and to submit same to the relevant standing committee for consideration and recommendation to the executive committee and the council.

One of the directors, acting in response to the above instruction, submitted his departmental organisational structure to the executive committee (the relevant committee) for consideration and recommendation to council.

During consideration of the submission, one of the members of the executive committee recommended that the proposed organisational structure be approved, subject to the post level of one of the divisional heads being downgraded from that of a post level three to a post level four.

The director informed the executive committee that the post level of a post is determined in terms of the job evaluation system applied by the Bargaining Council and that the post concerned complied in all respects with the criteria of that job evaluation system. He advised that the post level as proposed in terms of the proposed organisational structure, be accepted.

The committee member concerned informed the executive committee that he was of the opinion that the determination of the organisational structure was the prerogative of the council and that he accordingly reiterated his proposal, that is that the proposed organisational structure be accepted, subject to the post level of the divisional head concerned being downgraded from that of a post level three to that of a post level four.

The recommendation of the member of the executive committee was adopted by the executive committee.

QUESTION

Do you agree with the action of the executive committee, that is to accept the recommendation of its member, notwithstanding the professional advice of the director concerned.

YES

NO

CASE THREE : COUNCILLOR ACTING IN RESPONSE TO COMPLAINT LODGED BY A RATEPAYER

A complaint is lodged with a ward councillor by a ratepayer resident in the ward concerned, to the effect that there is a hole in the road surface which is gradually getting larger due to the heavy rains being experienced.

The councillor responds to the complaint by submitting a written motion to the council for consideration at the following council meeting, the motion in effect representing a request for council to instruct the director civil services to take the necessary action to have the hole in the road repaired.

The chief executive officer, having received the written motion, telephonically communicates with the councillor concerned and suggests that in order to expedite the required repairs, the motion not be submitted to the next meeting of council, being two weeks hence, but that the complaint be referred directly to the director civil services for his urgent attention. He informs the councillor that the relevant repair forms part of the day to day responsibilities of the director concerned.

The councillor refuses to accept the advice of the chief executive officer and demands that his motion be dealt with in terms of the rules of order of the council, that is for the motion to be submitted to the council for consideration

at its next meeting. He explained to the chief executive officer that his actions to effectively deal with the complaint lodged by one of the ratepayers would in that manner become a matter of public record.

QUESTION

Do you agree with the decision of the councillor to demand that his motion be submitted to the council meeting for consideration.

YES

NO

CASE FOUR : COUNCILLOR ACTING IN RESPONSE TO A COMPLAINT LODGED BY A RATEPAYER AGAINST MEMBER OF THE STAFF

A complaint is lodged with a ward councillor by a ratepayer against a member of the municipal staff. The complainant informs the councillor that he is a neighbour of the staff member concerned and that he is aware of the fact that he uses a municipal vehicle between his home and his workplace. The ratepayer informs the councillor that whilst he could accept that such usage could be authorised, he has noticed that the vehicle was also used for other purposes later in the evenings. He expresses his concern for this obvious misuse of public equipment and demands that severe disciplinary action be taken against the staff member concerned.

The councillor, being extremely concerned, makes an appointment to meet in secret with the ratepayer at the home of the ratepayer the following evening in order to observe the alleged misuse of municipal transport. The meeting takes place, the home of the staff member is placed under secret observation by the councillor and the after-hours use of the municipal vehicle by the staff member concerned is personally observed. The time of usage, departure and return, is meticulously recorded by the councillor. This observation is repeated on two occasions.

An appointment with the chief executive director is arranged thereafter, on which occasion the chief executive director is fully apprised of the complaint as well as of the findings of the councillor. The councillor demands that the matter be investigated and that a report thereon be submitted to council in due course.

QUESTION

Do you agree with the action taken by the councillor in response to the complaint lodged by the ratepayer

YES

NO

CASE FIVE : DEALING WITH A CAUCUS POSITION IN THE COUNCIL CHAMBER

You are a member of a political party caucus. An item which serves on the council agenda is discussed at the caucus meeting and a strong caucus position is adopted.

During consideration of a matter during the council meeting, the proposal reflecting the caucus position having been put, an official who can be regarded as the technical expert in the matter, informs the meeting that the proposal should be reconsidered. He fully supports his reasons for doing so on technical grounds.

You are personally convinced by the technical argument put forward by the official and supports his recommendation that the proposal be reconsidered. The caucus has however adopted a strong position in the matter and you are in terms of the rules of the caucus not permitted to react contrary to the caucus position. It is clear to you that the leaders of the caucus do not seem to be influenced by the new facts and arguments put forward by the official.

QUESTION

Do you stand by the caucus position, notwithstanding the fact that you have, in view of the new facts, been personally convinced that it should be changed.

YES

NO

CASE SIX : THE MAYOR TAKING A DECISION ON BEHALF OF THE COUNCIL

It is a Monday morning and the Mayor is telephonically informed by the Chief Executive Director that the staff at the depots have gone on strike.

Service delivery has ground to a halt and the situation must be resolved as a matter of urgency.

The chief executive director informs the mayor that he will accompany the director : human resource management to meet with the organisers of the strike action in order to establish formal communications and to endeavour to resolve the issue as soon as possible. He informs the mayor that he has been informed that the reason for the strike is due to a unilateral decision adopted by the council and that his purpose to meet with the strike organisers was to undertake to place the concerns of the staff on the council agenda as soon as possible, subject to the resumption of work in the interim. He undertook to keep the mayor apprised of developments.

The mayor requests to accompany the chief executive director and the director : human resource management to the meeting with the strike organisers.

Notwithstanding the advice of the chief executive officer the mayor insisted in accompanying the chief executive officer to the meeting.

During the meeting with the strike organisers the strike organisers directs their communication to the mayor, who having been placed under extreme pressure by the strike organisers, finally agrees to meet some of their demands.

QUESTION

Do you agree with the action of the mayor to accompany the chief executive director and the director : human resource management to the meeting with the strike organisers.

YES

NO

CASE SEVEN : THE CHIEF EXECUTIVE OFFICER TAKING A DECISION ON BEHALF OF THE COUNCIL

It is a Monday morning and the Chief Executive Director is informed that the staff at the depots have gone on strike.

Service delivery has ground to a halt and the situation must be resolved as a matter of urgency.

The chief executive director decides that he will accompany the director : human resource management to meet with the organisers of the strike action in order to establish formal communications and to endeavour to resolve the issue as soon as possible.

During the meeting with the strike organisers the strike organisers directed their communication to chief executive director, who having been placed under extreme pressure by the strike organisers, finally agrees to meet some of their demands, subject to ratification of the decision by the council at its following meeting.

QUESTION

Do you agree with the action of the chief executive officer to meet with the strike organisers and to accede to their demands subject to the decision being ratified by the council at its following meeting.

YES

NO

CASE EIGHT : CHAIRMAN OF FINANCE COMMITTEE DEALING WITH MASS PROTEST ACTION

The council has adopted a formal debt collection policy.

The director : financial services is the responsible head of department and has given instructions to his staff that the debt collection policy of the council must be strictly enforced.

In terms of the policy, accounts rendered must be settled within a certain period failing which a debt collection and concomitant process is initiated, which process at one point *inter alia* includes the termination of the relevant services or services such as water and electricity supply.

As part of the administration of the debt collection policy, the services of a large section of the so-called previously disadvantaged community is terminated. This action is deemed unacceptable to the community concerned and mass protest action is initiated, resulting in the illegal occupation of the financial offices of the municipality.

The presence of the chairman of the Finance Committee at the offices is demanded and he complies with the demand. Much pressure is placed on this political leader and after six hours of debate he finally agrees to the reconnection of the services concerned as an interim measure, subject to a formal subsequent meeting being held in order for the matter to be resolved in a proper manner.

QUESTION

Do you agree with the decision of the Chairman of the Finance Committee to have the services reconnected, even as an interim measure, having regard to the fact that the formal debt collection policy of the council expressly prohibits such action.

YES

NO

CASE NINE : DIRECTOR : FINANCIAL SERVICES DEALING WITH MASS PROTEST ACTION

The council has adopted a formal debt collection policy.

The director : financial services is the responsible head of department and has given instructions to his staff that the debt collection policy of the council must be strictly enforced.

In terms of the policy, accounts rendered must be settled within a certain period failing which a debt collection and concomitant process is initiated, which process at one point *inter alia* includes the termination of the relevant services or services such as water and electricity supply.

As part of the administration of the debt collection policy, the services of a large section of the so-called previously disadvantaged community is terminated. This action is deemed unacceptable to the community concerned and mass protest action is initiated, resulting in the illegal occupation of the financial offices of the municipality.

The presence of the director : financial services at the offices is demanded and he complies with the demand. Much pressure is placed on this executive official and after six hours of debate he finally agrees to the reconnection of the services concerned as an interim measure, subject to a formal subsequent meeting being held in order for the matter to be resolved in a proper manner.

QUESTION

Do you agree with the decision of the director : financial services to have the services reconnected, even as an interim measure, having regard to the fact that the formal debt collection policy of the council expressly prohibits such action.

YES

NO

CASE TEN : INTERFERENCE IN ADMINISTRATION

Provision has been made on the capital budget for the development of parks and open spaces, the land to be developed having been specifically identified.

The tender process has been completed and tenders awarded, the director : community services and facilities being the responsible director.

The Chairman of the relevant committee is approached by one of the residents. He is requested to stop the development of a park adjacent to his dwelling as he is of the opinion that a formal park will attract children and the games etc, that will be played thereat that will generate noise. He is also of the opinion that the park will attract an undesirable element which will give rise to other abusive and socially unacceptable behaviour.

The chairman accompanies the resident to the open space concerned and observes that the contractor is on site and in the process of landscaping the area.

The chairman communicates with the responsible director and instructs him to stop the development of the park until the matter has been reconsidered by the Committee.

QUESTION

Do you agree with the action of the chairman of the relevant standing committee to instruct the director to stop the development of the park until the matter has been reconsidered by the committee.

YES

NO

CASE ELEVEN : ATTENDANCE OF COMMITTEE MEETINGS BY OFFICIALS

In terms of a council decision, directors must attend the meetings of their relevant standing committee, as well as the executive committee and council meetings. Directors are also required to attend the meeting of any standing committee if an item prepared by the director has been placed on the agenda of that particular committee.

Council and executive committee meetings are therefore normally attended by the chief executive director, the two strategic executive directors as well as all directors, whilst the meeting of the standing committees are normally attended by the director concerned, as well as specialised staff members attached to his directorate.

During a meeting of one of the standing committees a councillor, attending the meeting but not being a member of the standing committee concerned, requested the director to explain the presence of the other staff members in attendance at the meeting.

The director informed the councillor that the staff members present are specialists in their own respective fields and that he deemed their attendance at the committee meetings to be in the best interests of the council. He said that the meeting could draw on the expert knowledge of the officials present in order to make informed decisions and that it was the prerogative of the director to instruct officials to attend the meetings concerned.

QUESTION

Do you agree with the answer of the director in reply to the question raised by the councillor.

YES

NO

CASE TWELVE : INSTALLATION OF TRAFFIC CALMING MEASURES

The council has provided an amount of R240 000 for the installation of traffic calming measures on its capital budget. The council has further decided that each of the 24 wards will receive an equal amount for the purpose.

The Works and Amenities Committee is considering the matter and a member of the committee proposes that it be left to the discretion of the ward councillor to decide where the speed-bumps should be placed.

The director : civil services informs the committee that the placement of speed-bumps is subject to technical specifications, such as the height thereof, the distance from intersections, driveways and bends in the road etc. He therefore proposes that the placement thereof be left to his discretion, to decide on the exact location in conjunction with the ward councillor concerned.

The councillor responds and says that whilst the comments of the director is noted, he views the matter to be a political decision and proposes that his proposal be considered.

QUESTION

Do you agree with the view of the member of the committee, that the placement of speedbumps is a political decision.

YES

NO

**OFFICIAL
AMPTENAAR**

ANNEXURE 2

No.	Question to OFFICIAL/Vraag aan AMPTENAAR	Answer/Antwoord	
		Yes/Ja	No/Nee
1	Management experience : In excess of five years Bestuursondervinding : Meer as vyf jaar		
2	Management experience : In excess of ten years Bestuursondervinding : Meer as tien jaar		
3	Formal training in public management : Have you received formal training in public management Formele opleiding in openbare bestuur : Het u formele opleiding in openbare bestuur ontvang		
4	Training : Would you have preferred to receive more training in public management Opleiding : Sou u verkies het om meer opleiding in openbare bestuur te ontvang		
5	Comprehension : Do you believe that you fully understand what your role as official in the decision-making process of the municipality really entails Begrip : Glo u dat u heeltemal verstaan wat u rol as amptenaar in die besluitnemingsproses van die munisipaliteit werklik behels		
6	Comprehension : In retrospect, would you have preferred to be more informed in respect of your role as official in the decision-making process of the municipality Begrip : In retrospek, sou u verkies het om meer ingelig met betrekking tot u rol as amptenaar in die besluitnemingsproses van die munisipaliteit te gewees het		

CASE ONE : DETERMINATION OF THE CAPITAL BUDGET

The draft capital budget, having been prepared by the director financial services in conjunction with the heads of departments, is being considered by the Council at its special meeting convened for the purpose.

One of the projects, the provision of eight million rand to construct a 40 megawatt electricity sub-station in Brackenfell, is queried by the council and the director : electrotechnical and mechanical services is requested to elaborate on his motivation for the project. The director : electrotechnical and mechanical services informs the council that the normal demand for electricity in the area concerned has for some time reached and exceeds the maximum capacity of the transformers and presents a safety risk. The staff cannot perform any maintenance on the equipment unless the supply to Brackenfell be cut. He warns that should the electricity supply not be increased it will give rise to electricity failures. He further pointed out that he will in that instance be obliged, based on electrotechnical considerations, not to approve any future development until such time as an adequate electricity supply can be provided. He draws council's attention to the fact that he submitted a similar request the previous year which was dismissed by council but that situation had now reached a critical level which could not further be ignored. He drew Councils attention to the fact that even if Council approves the project it would already be too late as the manufacturing of new transformers take at

least one year. He appealed to council to grant the project the priority it deserves and to make the necessary provision on the capital budget.

Council, having noted the submission of the director : electrotechnical and mechanical services, removed the project from the capital budget as it was of the opinion that the other projects were of a higher priority.

QUESTION

Do you agree with the decision of the council to disregard the technical advice and warning of the director : electrotechnical and mechanical services, by removing the project from the draft capital budget without making any provision to address the crisis situation as anticipated by the director : electrotechnical and mechanical services.

YES

NO

CASE TWO : DETERMINATION OF MICRO ORGANISATIONAL STRUCTURE

Council, having determined its macro organisational structure and having appointed the directors in respect thereof, instructed each director to plan its departmental organisational structure and to submit same to the relevant standing committee for consideration and recommendation to the executive committee and the council.

One of the directors, acting in response to the above instruction, submitted his departmental organisational structure to the executive committee (the relevant committee) for consideration and recommendation to council.

During consideration of the submission, one of the members of the executive committee recommended that the proposed organisational structure be approved, subject to the post level of one of the divisional heads being downgraded from that of a post level three to a post level four.

The director informed the executive committee that the post level of a post is determined in terms of the job evaluation system applied by the Bargaining Council and that the post concerned complied in all respects with the criteria of that job evaluation system. He advised that the post level as proposed in terms of the proposed organisational structure, be accepted.

The committee member concerned informed the executive committee that he was of the opinion that the determination of the organisational structure was the prerogative of the council and that he accordingly reiterated his proposal, that is that the proposed organisational structure be accepted, subject to the post level of the divisional head concerned being downgraded from that of a post level three to that of a post level four.

The recommendation of the member of the executive committee was adopted by the executive committee.

QUESTION

Do you agree with the action of the executive committee, that is to accept the recommendation of its member, notwithstanding the professional advice of the director concerned.

YES

NO

CASE THREE : COUNCILLOR ACTING IN RESPONSE TO COMPLAINT LODGED BY A RATEPAYER

A complaint is lodged with a ward councillor by a ratepayer resident in the ward concerned, to the effect that there is a hole in the road surface which is gradually getting larger due to the heavy rains being experienced.

The councillor responds to the complaint by submitting a written motion to the council for consideration at the following council meeting, the motion in effect representing a request for council to instruct the director civil services to take the necessary action to have the hole in the road repaired.

The chief executive officer, having received the written motion, telephonically communicates with the councillor concerned and suggests that in order to expedite the required repairs, the motion not be submitted to the next meeting of council, being two weeks hence, but that the complaint be referred directly to the director civil services for his urgent attention. He informs the councillor that the relevant repair forms part of the day to day responsibilities of the director concerned.

The councillor refuses to accept the advice of the chief executive officer and demands that his motion be dealt with in terms of the rules of order of the council, that is for the motion to be submitted to the council for consideration

at its next meeting. He explained to the chief executive officer that his actions to effectively deal with the complaint lodged by one of the ratepayers would in that manner become a matter of public record.

QUESTION

Do you agree with the decision of the councillor to demand that his motion be submitted to the council meeting for consideration.

YES

NO

CASE FOUR : COUNCILLOR ACTING IN RESPONSE TO A COMPLAINT LODGED BY A RATEPAYER AGAINST MEMBER OF THE STAFF

A complaint is lodged with a ward councillor by a ratepayer against a member of the municipal staff. The complainant informs the councillor that he is a neighbour of the staff member concerned and that he is aware of the fact that he uses a municipal vehicle between his home and his workplace. The ratepayer informs the councillor that whilst he could accept that such usage could be authorised, he has noticed that the vehicle was also used for other purposes later in the evenings. He expresses his concern for this obvious misuse of public equipment and demands that severe disciplinary action be taken against the staff member concerned.

The councillor, being extremely concerned, makes an appointment to meet in secret with the ratepayer at the home of the ratepayer the following evening in order to observe the alleged misuse of municipal transport. The meeting takes place, the home of the staff member is placed under secret observation by the councillor and the after-hours use of the municipal vehicle by the staff member concerned is personally observed. The time of usage, departure and return, is meticulously recorded by the councillor. This observation is repeated on two occasions.

An appointment with the chief executive director is arranged thereafter, on which occasion the chief executive director is fully apprised of the complaint as well as of the findings of the councillor. The councillor demands that the matter be investigated and that a report thereon be submitted to council in due course.

QUESTION

Do you agree with the action taken by the councillor in response to the complaint lodged by the ratepayer

YES

NO

CASE FIVE : DEALING WITH A CAUCUS POSITION IN THE COUNCIL CHAMBER

You are a member of a political party caucus. An item which serves on the council agenda is discussed at the caucus meeting and a strong caucus position is adopted.

During consideration of a matter during the council meeting, the proposal reflecting the caucus position having been put, an official who can be regarded as the technical expert in the matter, informs the meeting that the proposal should be reconsidered. He fully supports his reasons for doing so on technical grounds.

You are personally convinced by the technical argument put forward by the official and supports his recommendation that the proposal be reconsidered. The caucus has however adopted a strong position in the matter and you are in terms of the rules of the caucus not permitted to react contrary to the caucus position. It is clear to you that the leaders of the caucus do not seem to be influenced by the new facts and arguments put forward by the official.

QUESTION

You are aware of the fact that the caucus has adopted a position in the matter.

You are further aware of the fact that input by officials after the caucus having

adopted a position , are frowned upon and indeed seriously discouraged by the caucus leaders.

Having regard to the above, do you agree with the action of the official to make his technical input.

YES

NO

CASE SIX : THE MAYOR TAKING A DECISION ON BEHALF OF THE COUNCIL

It is a Monday morning and the Mayor is telephonically informed by the Chief Executive Director that the staff at the depots have gone on strike.

Service delivery has ground to a halt and the situation must be resolved as a matter of urgency.

The chief executive director informs the mayor that he will accompany the director : human resource management to meet with the organisers of the strike action in order to establish formal communications and to endeavour to resolve the issue as soon as possible. He informs the mayor that he has been informed that the reason for the strike is due to a unilateral decision adopted by the council and that his purpose to meet with the strike organisers

was to undertake to place the concerns of the staff on the council agenda as soon as possible, subject to the resumption of work in the interim. He undertook to keep the mayor apprised of developments.

The mayor requests to accompany the chief executive director and the director : human resource management to the meeting with the strike organisers. Notwithstanding the advice of the chief executive officer the mayor insisted in accompanying the chief executive officer to the meeting.

During the meeting with the strike organisers the strike organisers directs their communication to the mayor, who having been placed under extreme pressure by the strike organisers, finally agrees to meet some of their demands.

QUESTION

Do you agree with the decision of the chief executive director, albeit under protest, to allow the mayor to accompany him and the other officials to the meeting with the strike organisers.

YES

NO

CASE SEVEN : THE CHIEF EXECUTIVE OFFICER TAKING A DECISION ON BEHALF OF THE COUNCIL

It is a Monday morning and the Chief Executive Director is informed that the staff at the depots have gone on strike.

Service delivery has ground to a halt and the situation must be resolved as a matter of urgency.

The chief executive director decides that he will accompany the director : human resource management to meet with the organisers of the strike action in order to establish formal communications and to endeavour to resolve the issue as soon as possible.

During the meeting with the strike organisers the strike organisers directed their communication to chief executive director, who having been placed under extreme pressure by the strike organisers, finally agrees to meet some of their demands, subject to ratification of the decision by the council at its following meeting.

QUESTION

Do you agree with the action of the chief executive officer to meet with the strike organisers and to accede to their demands subject to the decision being ratified by the council at its following meeting.

YES

NO

CASE EIGHT : CHAIRMAN OF FINANCE COMMITTEE DEALING WITH MASS PROTEST ACTION

The council has adopted a formal debt collection policy.

The director : financial services is the responsible head of department and has given instructions to his staff that the debt collection policy of the council must be strictly enforced.

In terms of the policy, accounts rendered must be settled within a certain period failing which a debt collection and concomitant process is initiated, which process at one point *inter alia* includes the termination of the relevant services or services such as water and electricity supply.

As part of the administration of the debt collection policy, the services of a large section of the so-called previously disadvantaged community is terminated. This action is deemed unacceptable to the community concerned and mass protest action is initiated, resulting in the illegal occupation of the financial offices of the municipality.

The presence of the chairman of the Finance Committee at the offices is demanded and he complies with the demand. Much pressure is placed on this political leader and after six hours of debate he finally agrees to the reconnection of the services concerned as an interim measure, subject to a formal subsequent meeting being held in order for the matter to be resolved in a proper manner.

QUESTION

Do you agree with the decision of the Chairman of the Finance Committee to have the services reconnected, even as an interim measure, having regard to the fact that the formal debt collection policy of the council expressly prohibits such action.

YES

NO

CASE NINE : DIRECTOR : FINANCIAL SERVICES DEALING WITH MASS PROTEST ACTION

The council has adopted a formal debt collection policy.

The director : financial services is the responsible head of department and has given instructions to his staff that the debt collection policy of the council must be strictly enforced.

In terms of the policy, accounts rendered must be settled within a certain period failing which a debt collection and concomitant process is initiated, which process at one point *inter alia* includes the termination of the relevant services or services such as water and electricity supply.

As part of the administration of the debt collection policy, the services of a large section of the so-called previously disadvantaged community is terminated. This action is deemed unacceptable to the community concerned and mass protest action is initiated, resulting in the illegal occupation of the financial offices of the municipality.

The presence of the director : financial services at the offices is demanded and he complies with the demand. Much pressure is placed on this executive official and after six hours of debate he finally agrees to the reconnection of

the services concerned as an interim measure, subject to a formal subsequent meeting being held in order for the matter to be resolved in a proper manner.

QUESTION

Do you agree with the decision of the director : financial services to have the services reconnected, even as an interim measure, having regard to the fact that the formal debt collection policy of the council expressly prohibits such action.

YES

NO

CASE TEN : INTERFERENCE IN ADMINISTRATION

Provision has been made on the capital budget for the development of parks and open spaces, the land to be developed having been specifically identified.

The tender process has been completed and tenders awarded, the director : community services and facilities being the responsible director.

The Chairman of the relevant committee is approached by one of the residents. He is requested to stop the development of a park adjacent to his dwelling as he is of the opinion that a formal park will attract children and the games etc, that will be played thereat that will generate noise. He is also of the opinion that the park will attract an undesirable element which will give rise to other abusive and socially unacceptable behaviour.

The chairman accompanies the resident to the open space concerned and observes that the contractor is on site and in the process of landscaping the area.

The chairman communicates with the responsible director and instructs him to stop the development of the park until the matter has been reconsidered by the Committee.

QUESTION

Do you agree with the action of the chairman of the relevant standing committee to instruct the director to stop the development of the park until the matter has been reconsidered by the committee.

YES

NO

CASE ELEVEN : ATTENDANCE OF COMMITTEE MEETINGS BY OFFICIALS

In terms of a council decision, directors must attend the meetings of their relevant standing committee, as well as the executive committee and council meetings. Directors are also required to attend the meeting of any standing committee if an item prepared by the director has been placed on the agenda of that particular committee.

Council and executive committee meetings are therefore normally attended by the chief executive director, the two strategic executive directors as well as all directors, whilst the meeting of the standing committees are normally

attended by the director concerned, as well as specialised staff members attached to his directorate.

During a meeting of one of the standing committees a councillor, attending the meeting but not being a member of the standing committee concerned, requested the director to explain the presence of the other staff members in attendance at the meeting.

The director informed the councillor that the staff members present are specialists in their own respective fields and that he deemed their attendance at the committee meetings to be in the best interests of the council. He said that the meeting could draw on the expert knowledge of the officials present in order to make informed decisions and that it was the prerogative of the director to instruct officials to attend the meetings concerned.

QUESTION

Do you agree that the visiting councillor has the right to query the attendance of the meeting by staff other than the director.

YES

NO

CASE TWELVE : INSTALLATION OF TRAFFIC CALMING MEASURES

The council has provided an amount of R240 000 for the installation of traffic calming measures on its capital budget. The council has further decided that each of the 24 wards will receive an equal amount for the purpose.

The Works and Amenities Committee is considering the matter and a member of the committee proposes that it be left to the discretion of the ward councillor to decide where the speed-bumps should be placed.

The director : civil services informs the committee that the placement of speed-bumps is subject to technical specifications, such as the height thereof, the distance from intersections, driveways and bends in the road etc. He therefore proposes that the placement thereof be left to his discretion, to decide on the exact location in conjunction with the ward councillor concerned.

The councillor responds and says that whilst the comments of the director is noted, he views the matter to be a political decision and proposes that his proposal be considered.

QUESTION

Do you agree with the view of the member of the committee, that the placement of speedbumps is a political decision.

YES

NO

ANALYSIS OF RESPONSE TO QUESTIONNAIRE**COUNCILLORS : TOP STRUCTURE OF COUNCIL :KEY:1=MISCONCEPTION / 0=CORRECT INTERPRETATION**

		1	2	3	4	5	6	7	8	9	10	11	12	T
COUNCILLOR EXPERIENCE <5 YEARS	TRAINED	0	0	0	0	1	0	0	1	1	0	0	0	3
		0	1	1	1	0	1	0	0	0	1	0	1	6
		0	0	0	1	1	0	1	0	1	1	0	0	5
		0	0	0	1	0	0	0	0	1	0	0	0	2
		0	1	1	3	2	1	1	1	3	2	0	1	
	NOT TRAINED													
COUNCILLOR EXPERIENCE >5 YEARS	TRAINED	0	0	0	1	0	0	0	0	1	0	0	0	2
		0	0	0	0	1	0	0	0	1	0	0	0	2
		0	0	0	1	1	0	0	0	1	1	0	1	5
		0	0	0	0	1	1	1	0	1	0	0	0	4
		0	0	0	0	0	0	1	0	1	0	0	1	3
		0	0	0	2	3	1	2	0	5	1	0	2	
	NOT TRAINED	0	0	0	0	0	0	1	0	1	0	0	0	2
		0	0	1	1	0	1	1	0	1	1	1	0	7
		0	0	0	0	0	1	0	1	0	1	0	0	3
		0	0	1	1	0	2	2	1	2	2	1	0	0
	CALC.	16	16	12										

%misconception/question

0 8.333 16.667 50 41.67 33.33 41.67 16.67 83.33 41.67 8.333 25

TOTALS: MISCONCEPTION PER QUESTION

0 1 2 6 5 4 5 2 10 5 1 3 44

MISCONCEPTION: TOTAL / %**ALL COUNCILLORS:**

44 %= 30.556 <5= 16 %= 33.33 >5= 28 %= 29.17

MISCONCEPTION: TOTAL / %**N/TRAINED/TRAINED:**

N/T= 12 %= 33.33 T= 32 %= 29.63

MISCONCEPTION: EXPERIENCE>5**N/TRAINED/TRAINED:**

N/T= 12 %= 33.33 T= 16 %= 26.67

MISCONCEPTION(<5 EXP&T)/(>5 EXP&N/T)

<5&T= 16 %= 33.33 >5NT= 12 %= 33.33

ANNEXURE 3

ANALYSIS OF RESPONSE TO QUESTIONNAIRE**OFFICIALS : MANAGEMENT TOP STRUCTURE : KEY: 1=MISCONCEPTION / 0=CORRECT INTERPRETATION**

		1	2	3	4	5	6	7	8	9	10	11	12	T	
MANAGEMENT EXPERIENCE <5 YEARS	TRAINED: PUB. MAN.														
	N/TRAINED: PUB. MAN.														
MANAGEMENT EXPERIENCE >5 YEARS	TRAINED: PUB. MAN.	0	0	0	1	0	1	0	0	1	0	1	0	4	
		0	0	0	0	0	1	1	1	1	0	0	0	4	
		0	0	0	0	0	1	0	0	1	0	1	1	4	
		0	0	0	0	0	1	1	0	1	0	1	0	4	
		0	0	0	1	0	1	1	0	1	0	1	0	5	
		0	0	0	0	0	1	0	0	1	0	0	0	2	
		0	0	0	0	0	1	1	0	0	0	1	1	4	
		0	0	0	1	0	1	0	1	0	0	1	1	5	
		0	0	0	0	0	1	0	0	1	0	0	0	2	
		0	0	0	0	0	1	0	0	1	0	0	0	2	
	0	0	0	3	0	9	4	2	7	0	6	3			
	N/TRAINED: PUB. MAN.	0	0	0	0	0	1	0	0	1	0	0	0	2	
		0	0	0	0	0	1	1	0	1	0	0	0	3	
		0	0	0	0	0	1	1	0	1	0	1	0	4	
		0	0	0	0	0	3	2	0	3	0	1	0		
		0	0	0	25	0	100	50	16.67	83.33	0	58.33	25		
TOTALS : MISCONCEPTION PER QUESTION		0	0	0	3	0	12	6	2	10	0	7	3	43	
MISCONCEPTION : TOTAL / %		N/TRAINED / TRAINED		N/T=	9	%=	25	T=		34	%=	31.48			
		ALL OFFICIALS			43	%=	29.86								